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Crl.O.P.No.32340 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32340 of 2024

1. Selvam

2. Marimuthu

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Deevattipatty Police Station,
Salem District.
(Crime No.535 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.535 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.535 of 2024 registered for the offences punishable under Sections 103(1) and 118(1) of BNS, is on board for consideration.



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2. The incarceration of the petitioners being from 23.10.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that a case of road accident has been falsely projected as a case of murder, due to the previous enmity on account of the property dispute existing between the petitioners and the deceased. He further submits that even as per the complaint lodged by the brother of the deceased, the occurrence is stated to be happened on 21.10.2024 at 6.30 pm., whereas, the complaint was lodged only after a delay of 12 hours i.e., on 22.10.2024 07.00 a.m. He also submits that major part of the investigation has been completed and the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners are the relatives of the deceased and there exists a property dispute between them, due to which, on the alleged date of occurrence, while the de facto complainant was traveling in his two wheeler along with his brother/deceased, the petitioners had deliberately hit the de facto complainant's two wheeler with their vehicle from behind and ran over the de facto



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complainant's brother and caused his death. He further submits that the case is under investigation.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Omalur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioners shall stay at Chennai and report before the Inspector of Police, R4, Soundarapandianar Police Station, everyday at 10.30a.m., until further orders;**

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.01.2025

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To

1. The Judicial Magistrate,
Omalur.
2. The Inspector of Police,
Deevattipatty Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
R4, Soundarapandianar Police Station,
Chennai.

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