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Crl.O.P.No.251 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

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

Crl.O.P.No.251 of 2025

K.John

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Vaniyambadi Town Police Station,
Tirupattur District.
(Crime No.530 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner/A1 on bail, in connection with Crime No.530 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Krishnamoorthy

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

ORDER

Petition seeking bail in respect of Crime No.530 of 2024 registered for the offences punishable under Sections 126(2), 103(1), 61(2) and 49 of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A1 being from 22.08.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that only the de facto complainant and his team deliberately picked up a quarrel and assaulted the petitioner and there is no intention or motive on the part of the petitioner to cause death of the victim/deceased, however, the incident happened only during the quarrel. He further submits that subsequently, the petitioner was detained under Tamil Nadu Act 14 and on 10.12.2024, the detention order passed against the petitioner has been revoked by this Court in H.C.P.No.2965 of 2024. He also submits that the petitioner is in custody for more than four months even after completion of investigation and he is 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 there was a dispute between the de facto complainant's gang and the accused's gang in respect of playing drums in temple festival and due to which, the accused had waylaid the de facto complainant's brother when he was on the way to his home and murdered him by stabbing him with knife. He also



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submits that the investigation has been completed, the charge sheet has also been filed before the Judicial Magistrate, Vaniyambadi and it is yet to be taken on file.

4. Having heard the learned counsel for the petitioner, 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 petitioner and that the charge sheet has also been filed in this case, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing bond a 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, Vaniyambadi, Tirupattur**, 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 petitioner, except on the court hearing dates, shall stay at Cuddalore and report before the Inspector of Police, Cuddalore Old Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;



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[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

08.01.2025

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To

1. The Judicial Magistrate,
Vaniyambadi, Tirupattur.
2. The Sub-Inspector of Police,
Vaniyambadi Town Police Station,
Tirupattur District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore.

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