



Crl.O.P.No.32599 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

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

Crl.O.P.No.32599 of 2024

1. Uttamdass

2. Deb Kapahat

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kattur Police Station,
Thiruvallur District.
(Crime No.457 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.457 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Chandrasekar

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

ORDER

Petition seeking bail in respect of Crime No.457 of 2024 registered for Man missing and later altered for the offences punishable under Sections 103(i) & 238 of BNS, is on board for consideration.

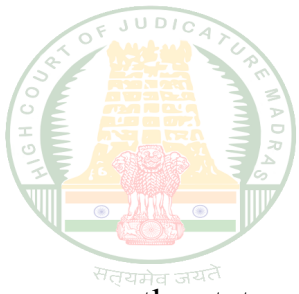


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2. The incarceration of the petitioners/A1 & A2 being from 04.11.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are in no way connected with the alleged offence and they were not present at the scene of occurrence. He also submits that the petitioners are ready to furnish sufficient sureties and are also 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 victim/husband of the de facto complainant and the petitioners/accused were working as a night watchmen in a Prawn farm and on the alleged date of occurrence, there was a quarrel between the victim and the accused, during such time, the accused murdered the victim by assaulting him with iron rod and concealed his body in a bush. He further submits that initially the case was registered for man missing and later, during the course of investigation, the case was altered to one under Sections 103(i) & 238 of BNS. He also submits that the investigation has been completed, the charge sheet has been filed and it is pending committal on the file of the Judicial Magistrate No.II, Ponneri in P.R.C.No.30 of 2024. He further submits that the petitioners hail from



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the state of West Bengal, therefore, if they are released on bail at this stage, there is every possibility of him absconding and not available for trial proceedings.

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 and that the charge sheet has also been filed in this case, 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** (out of which, one surety should be a blood related surety of the petitioners), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Ponneri**, 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 blood-related surety of the petitioners should produce proof of their permanent residence in West Bengal;

[c] the petitioners shall appear before the learned **Judicial Magistrate No.II, Ponneri**, on all working days at 10.30 a.m., until further orders;



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[d] the petitioners shall not abscond during trial;

[e] the petitioners shall not tamper with evidence or witness during trial;

[f] 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]*;

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

07.01.2025

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To

1. The Judicial Magistrate No,II,
Ponneri.
2. The Inspector of Police,
Kattur Police Station,
Thiruvallur District.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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