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Crl.O.P.No.256 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.256 of 2025

Naresh Kumar @ Naresh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellavedu Police Station,
Tiruvallur District.
(Crime No.404 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with S.C.No.345 of 2024 on the file of the Additional District and Sessions Court-III, Poonamalee.

For Petitioners : Mr.A.Tamilselvan

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

ORDER

Petition seeking bail in respect of S.C.No.345 of 2024 on the file of the Additional District and Sessions Court-III, Poonamalee, in connection with Crime No.404 of 2024 registered for the offences punishable under Sections 61(2), 191(1), 192(2), 191(3), 126(2), 296(b), 109, 103(2), 351(3) r/w Section 190 of



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BNS, is on board for consideration.

2. The incarceration of the petitioner/A4 being from 10.07.2024 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 the petitioner is in no way connected with the alleged offence, however, he was implicated in this case since he happens to be the friend of the main accused. He further submits that even as per the prosecution, the petitioner herein was standing outside the graveyard and he had not inflicted any injuries on the de facto complainant and the deceased. He also submits that the detention order passed against the petitioner has also been revoked and the petitioner is in custody for more than five months, even after completion of the investigation. He further submits that the petitioner was acquitted in most of the previous cases registered against him. He also submits that the some of the co-accused have also been enlarged on bail by this Court and the petitioner 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 the de facto complainant and his friends are working in a burial ground and due to a previous enmity in respect of doing funeral services, the



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accused conspired together and assaulted the de facto complainant and murdered his friend Nagaraj by brutally assaulting him with knife. He also submits that the specific overt act attributed against the petitioner/A4 is that he had waited outside the graveyard to pick up the main accused, who murdered the victim/deceased. He further submits that the case has been taken up for trial in S.C.No.345 of 2024 and there are 29 witnesses in this case, which is now stands posted on 21.01.2025. He also submits that the nine previous cases are against the petitioner.

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 including the counter filed by the respondent Police and considering the over tact attributed against the petitioner, 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 **Additional District and Sessions Court-III, Poonamalee**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 Villupuram and report before the Inspector of Police, Villupuram Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[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 Additional District and Sessions Court-III,
Poonamalee.
2. The Inspector of Police,
Vellavedu Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison - II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.



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A.D.JAGADISH CHANDIRA.,J.

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