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Crl.O.P.No.29176 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29176 of 2025

Kumaresan

... Petitioner

Vs.

The State represented by
Station House Officer,
Chinnasalem Police Station,
Kallakurichi District.
(Crime No.627 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.627 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Kamesh

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.01.2025, for the offence punishable under Sections 126(2), 64(2)(m),
103(1) of BNS Act, in Crime No.627 of 2024, registered on the file of the
respondent, seeks bail.



Crl.O.P.No.29176 of 2025

WEB COPY

2. The case of the prosecution is that the accused waylaid the victim, aged about 28 years, and forcibly took her to cornfield, where she was raped and subsequently strangled to death. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been arrested purely on suspicion and that he has no previous criminal antecedents. He further submitted that the petitioner has been falsely implicated in this case and is ready to cooperate with the trial proceedings. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation has been completed, the final report has been filed, and the case is now pending in S.C.No.63 of 2025 on the file of the learned Additional Sessions Judge, Kallakurichi. He further submitted that the charges have not yet been framed. Hence, he opposed for grant of bail.

5. Heard both sides and perused the materials available on record.



Crl.O.P.No.29176 of 2025

WEB COPY

6. Considering the fact that the trial has not yet commenced and the case is still at the stage of framing of charges, and the petitioner has no previous criminal antecedents, taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Kallakurichi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of four weeks;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



WEB COPY



CrI.O.P.No.29176 of 2025

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

27.10.2025

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CrI.O.P.No.29176 of 2025

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate No.II, Kallakurichi.
- 2.The Station House Officer,
Chinnasalem Police Station,
Kallakurichi District.
- 3.The Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29176 of 2025

K.RAJASEKAR, J.

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Crl.O.P.No.29176 of 2025

27.10.2025