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Crl.O.P.No.30374 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.30374 of 2025

S. Sham Sundar

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Vellore South (L&O) Police Station,
Vellore.
(Crime No.104 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.104 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. S. Krishnamoorthy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.10.2025 for the offences punishable under Sections 131 and 118(1) of BNS and the sections were altered as Sections 131, 118(1) and 103(1) of BNS in Crime No.104 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against this petitioner is that on 31.05.2025, the petitioner quarrelled with the deceased, who is his grand father and attacked him brutally with hands and legs; that thereby the deceased sustained grievous injuries and was admitted to hospital; that subsequently, the deceased succumbed to injuries on 05.06.2025. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a mentally retarded person, who is under psychiatric treatment for the past several years and he has been falsely implicated in this case; that the petitioner is in judicial custody since 03.10.2025; that the major part of the investigation has been completed; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and



sought for bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the petitioner was subjected to medical examination and only after getting opinion, the petitioner was remanded; and that the major part of the investigation is completed.

5. Considering the submissions made, facts and circumstances of the case, the fact that major part of the investigation is completed and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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-I, Vellore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial



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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 learned Judicial Magistrate-I, Vellore daily at 10:30 a.m., until further orders;

[c] 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];**

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

11.11.2025

stn

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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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-I,
Vellore.
2. The Inspector of Police,
Vellore South (L&O) Police Station,
Vellore.
(Crime No.104 of 2025)
3. The Superintendent,
Central Prison at Vellore.
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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