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Crl.OP.No.30939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.30939 of 2025

P.Magesh

... Petitioner

-VS-

The State rep by,
The Inspector of Police,
T-4 Shankar Nagar Police Station,
Pallavaram, Chennai 600 075.
(Crime No.440 of 2025)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 483 of BNSS Act, 2023, pleaded to enlarge the Petitioner on bail in connection with Crime No.440 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

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



ORDER

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The Petitioner, who was arrested and remanded to judicial custody on 24.08.2025 for the alleged offences punishable under Section 190, 191(3), 103(1), 351(3) r/w Section 61(2) of BNS in Crime No.440 of 2025 on the file of the respondent police, seeks bail.

2. The case of prosecution is that one Bhavani, wife of Devanathan was staying at Pallavaram. Ganesh and Babu @ Kakka Karthick came to the acquaintance of Bhavani and had speaking terms. Bhavani and Ganesh are vending perishables in push-carts. Ganesh informed Bhavani not to have any contact with Babu. On 23.08.2025 Babu came to the mechanic shed and talked with his friend. On seeing Babu, Ganesh tried to assault Babu through knife and Banu escaped and Babu and his friend came, murdered Ganesh by stabbing through knife repeatedly and ran off. Hence this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



case. He would further submit that the petitioner was arrested and he is in judicial custody from 24.08.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is ranked as A4, one previous case is pending against the petitioner under Section 506(ii) of IPC, final report not filed. Hence, he strongly opposes grant of bail to the petitioner.

5. Considering the facts and circumstances, and also the fact that the investigation is almost completed, and further considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Furthermore, two children of deceased are without care of father and now they are under the custody of their mother. Due to previous enmity, the petitioner along with other accused attacked the defacto complainant, thereby, he sustained serious injury and died. Due to the



attitude of petitioner, now minor child and still-born baby are suffered and so, on seeing pathetic condition of minor children of the deceased and they have lost their father in the said occurrence. Hence, this Court recommends that it is a fit case to refer, **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The District Legal Services Authority, Chennai,** is hereby directed to refer the matter to **District Collector, Chennai** to get compensation of **Rs.1,00,000/- (Rupees One Lakh each)** to two minor children of deceased and after sanction of the amount **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme and the mother of the deceased is permitted to withdrawn,** the amount of Rs.2,00,000/- is ordered to be deposited in the name of the two minor children of the deceased by appointing their mother as guardian in post office fixed deposit till they attain majority, as interim compensation based on the available scheme in the manner known to law within a period of **12 weeks** from the date of receipt of copy of this order. The mother of minor children is permitted to withdraw the interest accrued till the children attain majority and the same may be utilized for the welfare of the children.

7. Accordingly, the petitioner is ordered to be released on bail on executing separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand**



only) with two sureties (one blood surety), for a like sum to the satisfaction of the *learned XV Metropolitan Magistrate Court, George Town, Chennai*, 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 shall stay at Mudukalatur Police Station, Ramanathapuram District and report before the respondent police on every Saturday at 10.30 a.m. for the period of three months and the victim is permitted to withdraw;

(c) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or 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



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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]*; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

13.11.2025

rna

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.



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To

- 1.The learned XV Metropolitan Magistrate Court, George Town, Chennai.
- 2.The Inspector of Police,
T-4 Shankar Nagar Police Station,
Pallavaram, Chennai 600 075.
- 3.The Superintendent of Prison,
Central Prison, Puzhal-II.
- 4.The Public Prosecutor,
High Court, Madras



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T.V.THAMILSELVI, J.

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