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Crl.O.P.No.35841 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.12.2025

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.35841 of 2025

M.Sivashankar

... Petitioner

Vs.

State of Tamil Nadu
Rep.by Inspector of Police
M-1, Madhavaram Police Station
Tiruvallur District.
Crime No.179 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023 to enlarge the petitioner on bail in S.C.No.556 of 2024 on the file of the IV Additional District Judge, Tiruvallur at Ponneri, arising out of Crime No.179 of 2024 on the file of the M-1, Madhavaram Police Station, Tiruvallur District.

For Petitioner : Mr.R.Rajadurai

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 23.04.2024, for the alleged offences punishable under Section 302 of IPC, in Crime No.179 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.04.2024 at about 4.30 a.m., the injured person, Valavanthan, was sleeping on the veranda of the same premises. At that time, it is alleged that the petitioner came there and attempted to wake up Valavanthan. As Valavanthan did not respond and continued to lie down, the petitioner took a broken old cement concrete stone from a nearby dilapidated building, hit Valavanthan on the head twice, and ran away. Hence, the present case came to be registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been suffering incarceration from 23.04.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that on 21.04.2024 at about 4.30 a.m., the injured person, Valavanthan, was sleeping on the veranda of the same premises. At that time, it is alleged that the petitioner came there and attempted to wake up Valanvanthan. As Valavanthan did not respond and continued to lie down, the petitioner took a broken old cement concrete stone from a nearby dilapidated building, hit Valavanthan on the head twice, and ran away. Investigation is pending and the offences are serious in nature. However, he vehemently opposed to grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of allegations and already investigation is completed, the case is posted for examination of witnesses, already prime witnesses were examined and also the petitioner is in custody from 23.04.2024, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of **the IV Additional District Court, Thiruvallur at Ponneri** and on further conditions that:-



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[b] the petitioner shall report before the Trial Court on all

working days at 10.30.a.m., until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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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 IV Additional District Court, Thiruvallur at Ponneri.

2. The Inspector of Police
M-1, Madhavaram Police Station
Tiruvallur District.
Crime No.179 of 2024.

3. The Superintendent,
Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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