



Crl.O.P.No.14492 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Thara

2. Balraj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Ponnamalle Police Station,
Tiruvallur District.

(Crime No.250 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail, in connection with the
Crime No.250 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.S.Silambuselvan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.05.2023, for the alleged offences under Sections 307 & 109 of IPC, in Crime No.250 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that the victim/de-facto complainant had married a girl against the wishes of the petitioners, who are the mother and brother of the victim respectively. Thereby, the accused, who were antagonised with the act of the victim, had refused to give him a share in the property, due to which, there was a quarrel between them. While so, the petitioners, in order to commit murder of the victim/de-facto complainant, had poured turpentine oil on him and set fire, due to which, he suffered grievous burn injuries. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been wrongly implicated in this case. He also submitted that the petitioners have nothing to do with the alleged offence, whereas, they have been falsely roped in this case. He



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WEB COPY further submitted that there are no bad antecedents against the petitioners and they are in custody from 12.05.2023 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case, where, the petitioners/accused, due to the family dispute, had set fire to the victim, who is the elder son of the first petitioner. He further submitted that due to the act of the petitioners, the victim had sustained grievous burn injuries. He also submitted that the respondent has also recorded the statement from the victim and now he has been discharged from the hospital on 15.06.2023. He also submitted that this is the second bail application of the petitioners, however, he vehemently opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either sides, taking note of the fact that the injured has been discharged from the hospital and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamalle**, 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 first petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the second petitioner shall stay at Arni and report before the Inspector of Police, Arni Town Police Station, everyday at 10.30 a.m. and 5.30 p.m.,



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for a period of two weeks and thereafter, report before the respondent Police, everyday at 10.30 a.m., until further orders ;

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate No.II,
Poonamalle.
2. The Inspector of Police,
Ponnamalle Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Central Prison for Women,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.
6. The Inspector of Police,
Arni Town Police Station.

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