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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

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

Crl.O.P.No.12395 of 2024

Bhakthavachalam @ Bathrachalam

... Petitioner

Vs.

State Rep by.

The Inspector of Police

Chithamur Police Station, Chengalpet District.

Crime No. 83 of 2024

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in crime No. 83 of 2024 on the file of  
respondent police.

For Petitioner : Mr.P.Anbazhagan

For Respondent : Mr.V.Meganathan, B.A., B.L.,  
Government Advocate (Crl. Side)

**ORDER**



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The petitioner, who was arrested and remanded to judicial custody on 15.03.2024 for the alleged offences punishable under Sections 294(b), 341, 323, 324, 506 (II) of IPC @ 294(b), 341, 323, 324, 506 (II), 302 IPC **in crime No. 83 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant's son had love affair with the daughter of the first petitioner but the same was opposed by the first petitioner. Since he continued the affair, on the 28.12.2023,, the petitioners waylaid the defacto complainant's son, abused him, assaulted him with iron rod, thereby, caused injuries, despite giving treatment the victim died on 01.03.2024. Initially case was registered under Sections 294(b), 341, 323, 324, 506 (II) later altered into Section 302 IPC.

3. The learned counsel for the petitioner submit that the petitioner has been falsely implicated in this case and the petitioner was not involved in the said offence as alleged by the prosecution. Hence, he prays to allow this petition.



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4. The learned Government Advocate (Crl Side) submits that the petitioner along with other accused persons attacked the deceased with iron rod and sustained injuries. Thereafter, he was admitted in hospital but after three months he died. Initially case was registered under Sections 294(b), 341, 323, 324, 506 (II) later altered into Section 302 IPC. He, prays to dismiss this petition.

5. Considering the period of incarceration undergone by the petitioners and also the investigation is almost completed.. Hence, this Court is inclined to grant bail to the petitioner with the following conditions:

6. 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 ( one must be a blood surety)**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate Cheyyur**, 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 report before the respondent police on alternative days at 10.30 a.m., for a period of three months.**

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

[d] the petitioner shall not tamper with evidence or witness 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 petitioners 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]**;



[f] If the accused thereafter abscond, a fresh FIR  
can be registered under Section 229A IPC.

**05.06.2024**

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**T.V.THAMILSELVI,J.**

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To

1. The **District Munsif cum Judicial Magistrate Court, Cheyyur.**
2. The Inspector of Police  
Chithamur Police Station, Chengalpet District.
3. The Puzhal Prison, Puzhal.
4. The Public Prosecutor,  
High Court of Madras.

**Crl.O.P.No.12395 of 2024**

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