



CRL O.P. No.19987 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19987 of 2024

1.Ethiraj

2.Chandiran @ Kandeepan

... Petitioners/Accused 2 & 3

Vs

State rep. by
The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai.

(Crime No.329 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.329 of 2024, on the file of the respondent.

For Petitioners : Mr.V.R.Appaswamee

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS, 2023, altered to Sections 296(b), 118(1), 351(3) and 103(1) of BNS, 2023, in Crime No.329 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 12.07.2024 at about 8.00 p.m., when the husband of the defacto complainant went to a TASMACH shop for consuming liquor, there was a wordy quarrel between the accused and the defacto complainant's husband. During quarrel, the petitioners along with the other accused assaulted the defacto complainant's husband with beer bottle and caused grievous injuries and after treatment, the injured died in the hospital. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have been in judicial



custody from 16.07.2024. He would further submit that the petitioners have nothing to do with the alleged offence committed by A1 and the petitioners are not a named accused in FIR and the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to wordy quarrel between the accused and the defacto complainant's husband in a TASMAL bar, the petitioners along with A1 assaulted the defacto complainant's husband with beer bottle and caused grievous head injuries and thereafter, the injured died in the hospital. He would further submit that there is no previous case against the first petitioner and there are two previous cases against the second petitioner. He would also submit that the main accused was detained under Tamil Nadu Act 14 of 1982 and investigation has almost been completed. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering that these petitioners are not named accused in FIR and A1 was already detained under Tamil Nadu Act 14 of 1982 and also taking into consideration the period of incarceration undergone by the petitioners and that there are some previous cases against the second petitioner, he was granted bail in all the cases and considering that the material part of investigation has been completed, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate Court, Cheyyar**, and on further conditions that;

[b] the Petitioners shall report before respondent police everyday at 10.30 a.m., until further orders.

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

[d] the Petitioners 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;



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[e] the Petitioners shall not abscond either during investigation or trial;

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

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

06.09.2024

ata

To

- 1.The Judicial Magistrate Court, Cheyyar.
- 2.The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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