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Crl.O.P.No.20203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20203 of 2024

Selvam

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Thalaivasal Police Station,  
Salem District.  
(Crime No.178 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S.,  
pleased to enlarge the petitioner on bail, in Crime No.178 of 2024 on the file  
of the respondent Police.

For Petitioner : Mr.Deepan Uday

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 24.06.2024, for the alleged offences punishable under Section 302 of IPC,  
in Crime No.178 of 2024, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner herein is arrayed as A1, who is the son of the deceased. A2 is the wife of the deceased. Due to a family dispute regarding the purchase of the property, a wordy quarrel arose between them, during which, the petitioner assaulted the deceased with a wooden log, resulting in the death of the deceased. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Due to a family dispute, a false case has been foisted against the petitioner. He further submitted that the co-accused/A2 was released on bail by this Court. He was arrested and is in judicial custody for more than 55 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that there are two accused involved in this case and the petitioner is arrayed as A1. The deceased was working in TNEB



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and he used to consume liquor and quarrel with the family members. On the date of alleged occurrence, due to a family dispute regarding the purchase of the property, this petitioner and A2 quarrelled with the deceased and assaulted him with an iron rod, due to which, he died. He would further submit that the investigation was completed and the charge sheet has also been filed. However, he vehemently, opposed to grant bail to the petitioner.

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

6. Considering the submissions of the learned counsel on either side, period of incarceration undergone by the petitioner, co-accused released on bail and considering the fact that the investigation was completed and the charge sheet has also been filed and also considering the relationship between the parties, and also considering all other factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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7. 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 Judicial Magistrate No.II, Attur, Salem and on further conditions that:-

[a] the petitioner shall report before the Judicial Magistrate No.II, Attur, Salem, everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 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].



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

**21.08.2024**

drl

To

- 1.The Judicial Magistrate No.II,  
Attur, Salem.
- 2.The Inspector of Police,  
Thalaivasal Police Station,  
Salem District.
- 3.The Superintendent,  
Central Prison, Salem.
- 4.The Public Prosecutor,  
High Court of Madras.



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**P.DHANABAL, J.**

drl

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