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CrI.O.P.No.20265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

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

CrI.O.P.No.20265 of 2024

1.Singaravelan

2.Murali

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
(Crime No. 504 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No.504 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.E.Kannadasan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.07.2024, for the alleged offence punishable under Sections 296(b), 115(2), 118(1), 109, 351(3) of BNS Act, subsequently altered into 296(b), 103(1) of BNS Act, in Crime No.504 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Bathma, is that there was a previous enmity between the brother of the deceased and the accused persons. On 25.07.2024, at about 5.00 p.m, while the accused persons were fishing in the lake, the brother of the deceased cut the fishing net, for which a wordy quarrel between them. While so, on 26.07.2024, when the village elders were compromising the issue, at that time, the petitioners along with other accused persons brutally murdered the deceased by attacking him on his head and chest with wooden log. The victim was admitted in the hospital, and later he died. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this



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case. They have not committed any offence as alleged in the FIR. He further submit that there was no specific allegations as against these petitioners. He would further submit that the petitioners were arrested and they are in judicial custody for more than 25 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that, due to previous enmity, between the deceased and the accused persons on the date of the alleged occurrence, the petitioners along with other accused persons brutally murdered the deceased by attacking him on the head and chest with wooden log. He was admitted in the hospital and later died. He further submitted that the investigation was completed and the petitioners have no previous case, pending against them. However, he strongly opposed to grant bail to the petitioners.

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



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side, and considering the period of incarceration undergone by the petitioners and also considering that the petitioners have no previous cases pending against them, investigation was also completed, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirupattur, and on further conditions that:-

[a] the petitioners shall report before the respondent police, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

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

[c] 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.



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[e] 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].

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

22.08.2024

drl

To

- 1.The Judicial Magistrate No.I,
Tirupattur.
- 2.The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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