



WEB COPY



Crl.O.P.No.20313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

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

Crl.O.P.No.20313 of 2024

Santhosh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore South Police Station (Law and Order)
Vellore District,
(Crime No. 242 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. 242 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S. Thirugnanam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.06.2024, for the alleged offences punishable under Sections 147, 148,



Crl.O.P.No.20313 of 2024

294(b), 324, 307, 506(ii) of IPC @ under Section 147, 148, 294(b), 324, 302, 506(ii) of IPC, in Crime No.242 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.06.2024 at about 00.45 a.m, when the deceased along with other person were coming near Kuppan House on a two wheeler, A1 to A3 also came on a two wheeler in a very rash and negligent manner. The deceased scolded them in obscene language, leading to a dispute between the parties, in which, A1 to A3 then attacked the deceased and the defacto complainant, causing them to sustain head injuries. They were admitted in the hospital, where the deceased died. 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. He further submit that the petitioner's name is not found in the FIR. He further submit that the co-accused/A7 was released on bail and the petitioner was arrested and is in judicial custody for more than 70 days and is



Crl.O.P.No.20313 of 2024

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 submitted that there are totally eight accused in this case and the petitioner is ranked as A8. He further submit, on the date of the incident, due to wordy quarrel between the parties, while travelling in a two wheeler, the defacto complainant and the deceased were severely attacked by the accused persons, which lead to head injury and the deceased died in the hospital. He further submit that the investigation in this case is almost completed. However, he strongly 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 submission of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and also taking note of the fact that the co-accused was also released on bail, considering the fact that the name of the petitioner is not found place in the



Crl.O.P.No.20313 of 2024

FIR, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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.I, Vellore and on further conditions that:-

[a] the petitioner shall report before the respondent police 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



Crl.O.P.No.20313 of 2024

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,
Vellore.
- 2.The Inspector of Police,
Vellore South Police Station (Law and Order)
Vellore District,
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.20313 of 2024

drl

Crl.O.P.No.20313 of 2024

22.08.2024