



CrI.O.P.No.20592 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

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

CrI.O.P.No.20592 of 2024

Gnanavel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.
(Crime No. 217 of 2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner, pending investigation, in Crime No.217 of
2024, on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.07.2024, for the alleged offences punishable under Sections 194(3)(1)



Crl.O.P.No.20592 of 2024

of BNS Act @ 108 of BNS, in Crime No.217 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.07.2024, during a family dispute between the deceased and the petitioner, regarding the purchase of land, the petitioner abused the deceased, suspecting the modesty of his wife and also beat the deceased, which instigated the deceased to commit suicide. 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 has not committed any offence as alleged in the FIR. He further submit that there is no specific overt act against this petitioner. He would further submit that the petitioner was arrested and is in judicial custody for more than 40 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 submitted that the petitioner and the deceased are husband



Crl.O.P.No.20592 of 2024

and wife. He further submit that the sister of the defacto complainant requested money from the defacto complainant to purchase land, due to which a wordy quarrel arose between the petitioner and the deceased, for which the petitioner abused the deceased, suspecting the modesty of his wife and also beat the deceased, due to which, she committed suicide. He further submitted that the petitioner has no previous case pending against him. Hence, he 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 made by the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and taking into the fact that there is no any allegation levelled against this petitioner as per the FIR, and also considering there is no previous case pending against him and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



CrI.O.P.No.20592 of 2024

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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 District Munsif cum Judicial Magistrate, Pochampalli, 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 Kerala [(2005)AIR SCW 5560].

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



Crl.O.P.No.20592 of 2024

02.09.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Pochampalli.
- 2.The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.
- 3.The Superintendent,
Central Jail, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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Crl.O.P.No.20592 of 2024

Crl.O.P.No.20592 of 2024

02.09.2024