



CRL O.P. No.21165 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.21165 of 2024

Perumal

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.

(Crime No.128 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 Petitioner on bail in Crime No.128 of 2024, on the file of the respondent.

For Petitioner : Mr.P.Narayana Prasadh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2024 for the offences punishable under Section 302 of IPC, in Crime No.128 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 13.06.2024, at about 5.45 a.m., based on a information from one Chinnasamy and Murugan that a dead body of 17 years old boy was found near Government School at Dasampatti. Based on that, the respondent went to the scene of occurrence and found the corpse and a stone nearby, upon on further enquiry, they came to know that the deceased was brutally murdered by the petitioner. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody from 14.06.2024. He would further submit that there is no previous case against the petitioner and the petitioner is ready to abide by any stringent



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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 there was a family dispute between the petitioner and his wife. On 13.06.2024, again there was a wordy quarrel between the petitioner and his wife, when his son questioned the same, the petitioner attacked the deceased with stone on his face and committed murder on him. He would further submit that investigation has been completed and charge sheet has also been filed and there is no previous cases against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering that investigation has been completed and charge sheet has also been filed and that there is family a dispute between the deceased and the petitioner and also taking into consideration the number



of days of incarceration undergone by the petitioner and that there is no previous case pending against the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 Court, Pennagram**, and on further conditions that;

[b] the Petitioner shall report before jurisdictional Judicial Magistrate on all working days at 10.30 a.m., until further orders.

[c] the Petitioner 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 Petitioner 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;

[e] the Petitioner 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 Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



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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, Pennagaram.

2.The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.

3.Central Prison, Salem.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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