



WEB COPY



CRL O.P. No.21588 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.21588 of 2024

1.Madhan Kumar @ Madhan Raj

2.Prabhu

3.Lokesh @ Lokeshwaran

... Petitioners/Accused 2 to 4

Vs

State rep. by
The Inspector of Police,
Melpadi Police Station,
Vellore District.

(Crime No.162 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 Petitioners on bail in Crime No.162 of 2024, on the file of the respondent.

For Petitioners : Mr.S.Thirugnanam

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



CRL O.P. No.21588 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.06.2024 for the offences punishable under Sections 294(b), 302 and 201 of IPC, in Crime No.162 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 11.06.2024, A1 along with these petitioners suspected that one Samiyar Ravi at Villimalai Temple stolen A1's mobile phone, due to which, the accused persons assaulted the deceased with hands and wooden logs, as a result of which, the deceased died on the spot and buried the body in burial ground. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have been in judicial custody from 10.06.2024. He would further submit that the petitioners have nothing to do with the alleged offence committed by A1 and there is



CRL O.P. No.21588 of 2024

no previous case against the petitioners and the petitioners are ready to abide by any stringent 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 due to the dispute with regard to theft of mobile phone, A1 along with these petitioners attacked the deceased with wooden logs and committed murder on him. He would further submit that investigation has been completed and there are no previous cases against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

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

6. Considering that investigation has been completed and that there is no previous case pending against the petitioners and also taking into consideration the number of days of incarceration undergone by the petitioners and all other factors, this Court is inclined to grant bail to the petitioners subject to the following conditions:



CRL O.P. No.21588 of 2024

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate, Katpadi, Vellore District**, and on further conditions that;

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

[c] the Petitioners 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 Petitioners 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 Petitioners 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 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

06.09.2024

ata



CRL O.P. No.21588 of 2024

WEB COPY

To

- 1.The Judicial Magistrate, Katpadi, Vellore District.
- 2.The Inspector of Police,
Melpadi Police Station,
Vellore District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.21588 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.21588 of 2024

06.09.2024