



Crl.O.P.No.21665 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

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

Crl.O.P.No.21665 of 2024

1.Dhasarathan

2.Kannadasan

3.Ravi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
(Crime No. 253 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. 253 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.M.Kalaiyaran

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

ORDER

The petitioners, who were arrested and remanded to judicial



Crl.O.P.No.21665 of 2024

custody on 15.07.2024, for the alleged offence punishable under Sections 103(1) of BNS, in Crime No.253 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 14.07.2024 at about 17.00 hours, due to previous enmity, regarding a money dispute, the petitioners along with other persons joined together and assaulted one Chittibabu by using iron rod and hammer, causing severe head injury, and he died while on the way to the hospital. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submitted that the petitioners were arrested and they are in judicial custody for more than 50 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, regarding a money



Crl.O.P.No.21665 of 2024

dispute, on the date of the alleged occurrence, the petitioners along with other persons joined together and assaulted one Chittibabu by using iron rod and hammer, causing severe head injury, and he died while on the way to the hospital. He further submits that the petitioners have no previous cases, pending against them. He further submits that the investigation was completed. However, he 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 made by the learned counsel on either side, nature of offence and considering the period of incarceration undergone by the petitioners, investigation was completed, and there is no previous case pending against them, 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 Judicial



Crl.O.P.No.21665 of 2024

Magistrate No.1, Arakkonam, and on further conditions that:-

[a] the petitioners shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioners shall not abscond 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 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

[f] If the accused thereafter absconds, a fresh FIR can be registered



CrI.O.P.No.21665 of 2024

under Section 269 B.N.S.

WEB COPY

19.09.2024

drl

To

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

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.21665 of 2024

drl

Crl.O.P.No.21665 of 2024

19.09.2024