



CRL O.P. No.22112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22112 of 2024

1.Selvam

2.Rajini

... Petitioners / Accused 4 & 5

Vs

State rep. by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.

(Crime No.321 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.321 of 2024, on the file of the respondent.

For Petitioners : Mr.M.R.Franklin

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.06.2024 for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) of IPC @ 147, 148, 294(b), 324, 302 and 506(ii) of IPC, in Crime No.321 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 17.06.2024 at about 5.00 p.m., the petitioners has stolen sand in a public pond to construct a house, when it was questioned by the defacto complainant, there was a wordy quarrel, in which the petitioners along with the other accused abused the defacto complainant in filthy language and assaulted him with cricket bat and cricket stumps and caused grievous injuries to the defacto complainant and thereafter, the deceased was taken to hospital and he died in hospital. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged



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offence. He would further submit that the petitioners were in judicial custody from 19.06.2024 and there is 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 petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners and the other accused were involved in sand mining in a public pond, when the defacto complainant intercepted them and questioned the same, the accused assaulted the defacto complainant with cricket bat and cricket stumps and caused grievous injuries to the defacto complainant and after treatment the deceased died in the hospital. He would further submit that there is no previous case against the petitioners and investigation has been almost completed. However, he raised serious objections to grant bail to the petitioners.

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



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

[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 Court – 1, Mayiladuthurai**, and on further conditions that;

[b] the Petitioners shall report before the Thallakulam Police Station, Madurai District, everyday 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;



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[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.

10.09.2024

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To

- 1.The Judicial Magistrate Court – 1, Mayiladuthurai.
- 2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.
- 3.Sub Jail, Nagapattinam.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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