



WEB COPY



CrI.O.P.No.22126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

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

CrI.O.P.No.22126 of 2024

1.Kathir

2.Surya

... Petitioners

Vs.

The State represented by,  
The Inspector of Police,  
Mayiladuthurai Police Station,  
Mayiladuthurai.  
(Crime No. 321 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S.,  
pleaded to enlarge the petitioners on bail, in Crime No. 321 of 2024 on the  
file of the respondent Police.

For Petitioners : Mr.R.Franklin

For Respondent : M/s.G.V.Kasthuri,  
Additional Public Prosecutor

### **ORDER**

The petitioners, who were arrested and remanded to judicial  
custody on 19.06.2024, for the alleged offence punishable under Sections



Crl.O.P.No.22126 of 2024

147, 148, 294(b), 324, 506(ii) of IPC @ under Section 147, 148, 294(b), 302, 324, 506(ii) of IPC, in Crime No.321 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 17.06.2024, at about 5.00 p.m, the petitioner along with other accused had stolen sand in public pond to construct a house. When questioned by the defacto complainant, a wordy quarrel arose between both the parties, during which the petitioners along with other accused persons abused him in filthy language and also assaulted him using cricket bat and when it was stopped by the defacto complainant's relative Ramkumar, the petitioners also assaulted him with an aruval, as a result of which, he sustained grievous injuries, and was admitted in the hospital, and later he died. 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 submit that the co-accused was released on bail by this Court. He would further submit that the petitioners were arrested and they are in judicial



Crl.O.P.No.22126 of 2024

custody for more than 80 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 there are totally six accused in this case and the petitioners are arrayed as A1 and A2. She further submitted that on the date of the alleged occurrence, the petitioners along with other accused persons abused the defacto complainant in filthy language and also assaulted him using a cricket bat on account of taking sand in a public pond to construct a house. When it was stopped by the defacto complainant's relative, at that time, the petitioners attacked him with aruval, causing grievous injuries to him, and was admitted in the hospital, later he died. She further submitted that there is no previous case, pending against them. She further submitted that the investigation was almost completed. However, she opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.



Crl.O.P.No.22126 of 2024

WEB COPY

6. Considering the submissions made by the learned counsel on either side, and considering the period of incarceration undergone by the petitioners, and considering the fact that the petitioners have no previous cases pending against them, investigation was completed, and co-accused was also released on bail, 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 Magistrate No.I, Mayiladuthurai, and on further conditions that:-

[a] the petitioners shall report before the respondent police, everyday 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



CrI.O.P.No.22126 of 2024

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 under Section 269 B.N.S.

**11.09.2024**

drl



WEB COPY



Crl.O.P.No.22126 of 2024

**P.DHANABAL, J.**

drl

To

- 1.The Judicial Magistrate Court No.I,  
Mayiladuthurai.
- 2.The Inspector of Police,  
Mayiladuthurai Police Station,  
Mayiladuthurai.
- 3.The Superintendent,  
Sub Jail, Nagapattinam.
- 4.The Public Prosecutor,  
High Court of Madras.

**Crl.O.P.No.22126 of 2024**

**11.09.2024**