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Crl.O.P.No.22836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

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

Crl.O.P.No.22836 of 2024

1.Anthonisamy @ Pavuthamanikkam

2.Sagayaraj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.
(Crime No. 190 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. 190 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.D.Mario Johnson

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 01.07.2024, for the alleged offence punishable under Sections



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109 and 49 of BNS and subsequently altered into Sections 103 and 49 of BNS, in Crime No.190 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that, due to previous enmity, regarding a family dispute, there was a wordy quarrel arose between the accused persons and the deceased. While so, on 01.07.2024 at about 2.30 a.m, while the deceased and his family were sleeping, in front of their house, the accused persons set fire to the deceased, causing grievous injuries to him, and was admitted in the Kilpauk Medical College Hospital, Chennai, later he died. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that this is the second bail petition filed by the petitioner. He further submit 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 there is no specific overt act attributed against the petitioners. He further submitted that the petitioners were arrested and they are in judicial custody for more than 75 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, due to previous enmity, when the deceased was sleeping in front of his house along with his family, the petitioners along with other accused person set fire on the deceased, due to which, he sustained grievous burn injuries and later he died. Initially, the case was registered under Sections 109 and 49 of BNS and after the death of the defacto complainant, the sections were altered to 103 and 49 of BNS. He further submits that investigation was completed and the charge sheet was also filed and there is no previous case as against the petitioner. 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, and considering the period of incarceration undergone by the petitioners, and there is no previous case pending against the petitioner, and investigation was completed and the charge sheet was also filed and also



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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 Court No.1, Ulundurpettai, 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;



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[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.

18.09.2024

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P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate Court No.1
Ulundurpettai.
- 2.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

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