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Crl.O.P.No.22707 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.22707 of 2024

1.Kumaran

2.Suresh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Jolarpet Police Station,
Tirupathur District.
(Crime No. 504 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. 504 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.S.Mageshkumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 27.07.2024, for the alleged offence punishable under Sections



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296(b), 115(2), 118(1), 109, 351(3) of BNS, 2023 subsequently altered into Sections 296(b) and 103(1) of BNS, 2023 in Crime No.504 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 26.07.2024, at about 8.00 a.m., while the petitioners and others were using the fishing net near Thamalerimuthur lake, the brother of the deceased cut the fishing net, due to which, there was a wordy quarrel. During the attempt to resolve the issue by the village elders, the petitioners and others brutally attacked the deceased on his head and chest with a wooden log, causing grievous injuries. The deceased was admitted to 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 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally four accused in this case and the petitioners herein are arrayed as A1 and A2. He further submits on the date of the alleged occurrence, the petitioners along with other accused persons, brutally attacked the deceased with a wooden log, a wordy quarrel arose regarding cutting of fishing net, as a result of which, the deceased sustained grievous injuries, and later he died. He further submits that the petitioners have no previous cases, pending against them. He further submits that the investigation was completed and the charge sheet was also filed. 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 the charge sheet was also filed, and there is no previous case pending against them, and



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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.1, Tirupattur District, 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.

19.09.2024

drl

To

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

P.DHANABAL, J.



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