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Crl.O.P.No.23121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

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

Crl.O.P.No.23121 of 2024

Dhanushkodi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(Crime No. 40 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.40 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Arivazhagan

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

ORDER

The petitioner/A7, who was arrested and remanded to judicial
custody on 07.03.2024, for the alleged offence punishable under Sections
147, 148, 341, 120(B) & 302 of IPC, in Crime No.40 of 2024, on the file of



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the respondent police, seeks bail.

2. The case of the prosecution is that due to a land dispute, there was a previous enmity between the defacto complainant's husband and one Muruganantham. On 07.03.2024, when the defacto complainant's husband was riding in his two-wheeler towards Nagapattinam Court, at that time, the petitioner along with other accused persons waylaid and brutally attacked him with deadly weapons, resulting in his death. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody from 07.03.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 9 accused in this case and the petitioner herein is arrayed as A7. He further submits that due to a land dispute, there was a previous enmity, for which, on the date of the alleged occurrence, the petitioner along with other accused waylaid the defacto complainant's husband and brutally attacked him with deadly weapons, and he died on the spot. He further submits that the petitioner has no previous case, pending against him. He further submits that the investigation was completed and the charge sheet has also been filed and the same has been taken cognizance as S.C.No.109 of 2024. However, he opposed to grant bail to the petitioner.

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

6. Considering the nature of offence, and also considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case, pending against him, co-accused was also released on bail, investigation was completed and the charge has also been filed and now the



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case was committed to Sessions Court, and also considering all others factors,
I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the District and Sessions Judge (FAC), Nagapattinam, and on further conditions that:-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the Petitioner 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 Petitioner 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 Petitioner 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 Petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

20.09.2024

drl

To

- 1.The District and Session Judge (FAC),
Nagapattinam.
- 2.The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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