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Crl.O.P.No.24480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

Crl.O.P.No.24480 of 2024

Mohan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
(Crime No. 403 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.403 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner/A3, who was arrested and remanded to judicial
custody on 10.08.2024, for the alleged offences punishable under Sections



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191(2), 296(b), 287, 103 of BNS, in Crime No.403 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.08.2024 at about 9.00 a.m, due to an illegal intimacy, the petitioner along with other accused persons came to the shop of the deceased, there was a wordy quarrel arose, during which, the accused persons poured petrol on her body and set her on fire, she sustained severe injuries, was taken to KMC hospital and died after 3 days of treatment. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case, since he is the relative of A1. He has not committed any offence as alleged in the FIR. He further submits that the co-accused was already released on bail. He further submitted that the petitioner is in judicial custody for more than 50 days and he is ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are three accused in this case and the petitioner herein is arrayed as A3. He further submits that the deceased is the second wife of the first petitioner's husband. Due to an illegal intimacy of the deceased, on the date of the alleged occurrence, the petitioner along with other accused persons came to the shop of the deceased, due to which, there was a wordy quarrel between them, during which the accused persons poured petrol on her body and set her on fire and after 3 days of treatment, she died. He further submits that this petitioner actively participated in the scene of occurrence and he is the brother of the first accused. He further submit that the investigation in this case is almost completed. 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 submissions made on both side counsel, nature of offence, co-accused was already released on bail, investigation was almost completed and considering the period of incarceration undergone by the



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petitioner, and the petitioner has no previous case pending against him 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 Judicial Magistrate No.I, Thiruvallur, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.

03.10.2024

drl

To

- 1.The Judicial Magistrate No.I,
Thiruvallur.
- 2.The Inspector of Police,
Thiruvallur Town Police Station,
Tiruvallur District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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