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Crl.O.P.No.24719 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

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

Crl.O.P.No.24719 of 2024

1. Velmurugan

2. Premkumar

... Petitioners

Vs.

State represented by,
The Inspector of Police,
P-4 Basin Bridge Police Station,
Pulianthope, Chennai 600 012,
Crime No.441/2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioners on bail, in Crime No.441 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.R.Sasi Kumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 03.07.2024, for the alleged offence punishable under Sections



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191(2), 191(3), 329(4), 296(b), 103(1), 351(3) of BNS, altered to Section 191(2), 191(3), 329(4), 296(b), 103(1), 351(3) and 61(2) of BNS, in Crime No.441 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, on 02.07.2024 at about 2.30 p.m., the petitioners along with other accused persons trespassed into the house of the defacto complainant, brutally attacked the victim using a knife, due to which, the victim sustained multiple cut injuries all over his body and was taken to hospital, later he died. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that this is the second bail petition filed by the petitioners. He further submits that the petitioners are innocent 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 co-accused were already released on bail by this Court. He would further submit that the petitioners were arrested and are in judicial custody from 03.07.2024 and 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, the petitioners along with other accused persons trespassed into the house of the defacto complainant, brutally attacked the victim using a knife, due to which, the victim sustained multiple cut injuries all over his body and was taken to hospital, later he died. He further submitted that there are no previous cases pending against them and the investigation was also completed. 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 nature of offence charged against the petitioners, co-accused were already released on bail, the petitioners have no previous case pending against them, considering the period of incarceration undergone by the petitioners, investigation was also completed, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on



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their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned XVI Metropolitan Magistrate, George Town, Chennai 600 001 and on further conditions that:-

[a] the petitioners shall report before the concerned Metropolitan 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;

[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



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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.

18.10.2024

drl

To

- 1.The XVI Metropolitan Magistrate,
George Town, Chennai 600 001
2. The Inspector of Police,
P-4 Basin Bridge Police Station,
Pulianthope, Chennai 600 012.
- 3.The Superintendent,
Central Prison II, Puzhal, Chennai 600 066.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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