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Crl.O.P.No.24943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

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

Crl.O.P.No.24943 of 2024

1.Dhanasekar

2.Vengadesh Perumal @ Venkatesan

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Olakkur Police Station,
Villupuram District.
(Crime No. 266 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.266 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.M.R.Elavarasan

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

ORDER

The petitioners, who were arrested and remanded to judicial



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custody on 04.08.2024, for the alleged offence punishable under Sections 296(b), 115(2), 118(1), 351(3) of BNS @ Sections 296(b), 115(2), 118(1), 109 of BNS @ 296(b), 115(2), 118(1) and 103 of BNS, in Crime No.266 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.08.2024 at about 11.30 p.m, the petitioners compelled the husband of the defacto complainant to consume alcohol. When he refused, the petitioners abused his wife. When questioned by the husband of the defacto complainant, a wordy quarrel arose between them. Due to which, the petitioners attacked him with their hands and stone on his head, causing grievous injuries, admitted in the hospital, and after 5 days of treatment, he died. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that this is the third bail petition filed by the petitioners. He further submits 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 would further submit that the petitioners were arrested and are in judicial custody from 04.08.2024 and they are ready to abide by any conditions that may be



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imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the deceased and the petitioners are friends. On the date of the alleged occurrence, when the petitioners compelled the deceased to consume alcohol, the deceased refused, a wordy quarrel arose between them, due to which, the petitioners attacked the deceased with beer bottles with hands and legs on his head, causing grievous injuries, admitted in the hospital, later he died. He further submits that the petitioners have no previous cases, pending against them. He further submits that the investigation in this case is almost 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, considering the period of incarceration undergone by the petitioner, and the petitioners have no previous case pending against them, and investigation was almost completed,



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and 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 learned Judicial Magistrate No.I, Tindivanam, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily 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



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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.

14.10.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate Court,
Kilvelur.
- 2.The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
- 3.The Superintendent,
Sub Jail, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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