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Crl.O.P.No.25293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

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

Crl.O.P.No.25293 of 2024

Venkatesan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
(Crime No. 141 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.141 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Jaisingh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.09.2024, for the alleged offence punishable under Section 194(3)(i) of



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BNS, 2023 @ Section 108 of BNS, 2023 in Crime No.141 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a family dispute, on 20.09.2024, at about 9.00 p.m, there was a wordy quarrel between the petitioner and the defacto complainant's daughter, for which, the deceased committed suicide by hanging. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to family dispute, he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the petitioner was arrested and is in judicial custody for more than 20 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to a family dispute, there was a wordy quarrel between the petitioner and the defacto complainant's daughter. On the date of the alleged occurrence, the defacto complainant's committed



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suicide by hanging, leaving behind her two children. He further submits that the children were in the custody of their paternal grand father. He further submits that the petitioner has no previous cases, pending against him. 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, considering the period of incarceration undergone by the petitioner, and there was a family dispute between the petitioner and the deceased, the petitioner has no previous case pending against him, and the petitioner's two children are now in the custody of the mother of the petitioner, 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, Pennagaram, Dharmapuri District, and on further conditions



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that:-

[a] the petitioner shall appear 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;

[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



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under Section 269 B.N.S.

15.10.2024

drl

To

- 1.The Judicial Magistrate,
Pennagaram, Dharmapuri District.
- 2.The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
- 3.The Superintendent,
District Jail, Dharmapuri
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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