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CrI.O.P.No.25072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

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

CrI.O.P.No.25072 of 2024

R.Thiyagu

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No. 378 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.378 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.08.2024, for the alleged offence punishable under Section 103(1) of



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BNS, in Crime No.378 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of the petitioner. On 01.08.2024, when the petitioner was in a drunken mood, he smoked a cigarette in front of his son, which was questioned by the defacto complainant, and she was left out of the home. Subsequently, the next morning, the defacto complainant's father came to the petitioner's house and asked about the quarrel of the defacto complainant, for which, the petitioner attacked him with a wooden reaper on his chest, causing severe injuries. The deceased was admitted to the hospital, and later he died. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to matrimonial dispute, he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 70 days and is ready to abide by any



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conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to a matrimonial dispute, on the date of the alleged occurrence, the petitioner, in a drunken mood, smoked cigarette in front of his son, it was questioned by the defacto complainant. Subsequently, on the next day, when the deceased asked about the quarrel with the petitioner, he attacked the deceased with a wooden reaper and the deceased died due to the injuries caused by the petitioner. He further submitted that the petitioner has no previous cases, pending against him. He further submitted that the investigation was completed and the final report was also filed. 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 the petitioner has no previous



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case pending against him, investigation was completed and the final report was also filed 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, Namakkal, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days 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.

14.10.2024

drl

To

- 1.The Judicial Magistrate No.I,
Namakkal.
- 2.The Inspector of Police,
Namakkal Police Station,
Namakkal District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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