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Crl.O.P.No.25682 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.25682 of 2024

Dhachanamoorthy

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
(Crime No. 230 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.230 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.G.Mageshkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.06.2024, for the alleged offence punishable under Sections 449, 302,
506(ii) of IPC @ Sections 147, 148, 302, 449, 506(ii) of IPC, in Crime



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No.230 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, with regard to the temple festival, there was a wordy quarrel between the deceased and the petitioners, and on 13.06.2024 at about 1.45 a.m, the petitioner along with other accused persons entered the house of the defacto complainant and assaulted the defacto complainant's son by using a knife, thereby causing death in front of his parents. 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. He has not committed any offence as alleged in the FIR. He further submits that the detention order has been revoked by the Advisory Board as against the petitioner. He would further submit that the petitioner was arrested and is in judicial custody from 13.06.2024 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the



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respondent police submitted that due to previous enmity, with regard to temple festival, on the date of the alleged occurrence, there was a wordy quarrel between the petitioners and the defacto complainant, for which, the petitioner along with other accused entered the house of the defacto complainant and assaulted his son by using a knife and thereby cause death in front of his parents. He further submitted that the petitioner has no previous case, pending against him. He further submitted that investigation was completed and the charge sheet was also filed. Hence, 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 charged against the petitioner, considering the period of incarceration undergone by the petitioner, and the detention order was also set aside by this Court, the petitioner has no previous case pending against him, investigation was completed and the



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charge sheet 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.II, Kancheepuram, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on every working day 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



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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.

18.10.2024

drl

To

- 1.The Judicial Magistrate No.II,
Kancheepuram.
- 2.The Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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