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Crl.O.P.No.25815 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

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

Crl.O.P.No.25815 of 2024

1.N.Kamalesh

2.M.Nithianantham

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai District.
(Crime No. 186 of 2024).

... Respondents

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 186 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.S.Muthuselvam

For Respondents : Mr.S.Vinodkumar
Government Advocate (Crl.Side)

ORDER

The petitioners/A1 & A2, who were arrested and remanded to



Crl.O.P.No.25815 of 2024

judicial custody on 12.06.2024, for the alleged offence punishable under Sections 341, 294(B), 302 and 506(2) of IPC, in Crime No.186 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.06.2024 while the deceased was returning from work on his two-wheeler, at that time, the petitioners along with other accused brutally attacked the deceased and murdered him. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted 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 further submits that the detention order as against these petitioners were set aside by this Court. He further submitted that the petitioners were arrested and they are in judicial custody from 12.06.2024 and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

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



Crl.O.P.No.25815 of 2024

WEB COPY

first and second respondents submitted that there are totally five accused in this case and the petitioners herein are ranked as A1 and A2. He further submits that on the date of the alleged occurrence, when the deceased was returning from work on his two-wheeler, at that time, the petitioners along with other accused brutally attacked the deceased and murdered him. He further submits that the first petitioner has 3 previous cases and the second petitioner has one previous case, pending against them. He further submits that the investigation was completed and the charge sheet was also filed. 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 petitioner, though the petitioners have some previous cases, in all the cases, they have been released on bail, investigation was completed and the charge sheet was also filed, the detention orders as against these petitioners were also set aside by this Court, considering the period of incarceration undergone by the petitioners, and also considering all others factors, I am inclined to grant



Crl.O.P.No.25815 of 2024

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 Metropolitan Magistrate Court No.XVIII, Saidapet, Chennai, 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



Crl.O.P.No.25815 of 2024

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.

19.10.2024

drl

To

- 1.The Metropolitan Magistrate No.XVIII,
Saidapet, Chennai.
- 2.The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25815 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.25815 of 2024

19.10.2024