



Crl.O.P.No.26101 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.26101 of 2024

1. Ankit Singh

2. Anuj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No.133 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with Crime No.133 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.John Sathyan, Senior Advocate
for Mr.K.Selvaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 08.10.2024, seeking



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bail in Crime No.133 of 2024 registered under Section 174(1) of Cr.P.C and later, altered for the offence under Section 304(ii) of IPC.

2. The case of the prosecution as per the de facto complainant/Kanaga is that her brother Sivasankar, aged about 32 years, had gone out of her house at 6.30 a.m. on 09.06.2024 and at about 12.00 noon, she received information that her brother was lying dead at the pit in the mines and two CISF constables had lifted him out from the pit and thereafter, ran away from there. Based on her complaint, a case in Crime No.133 of 2024 came to be registered under Section 174 of Cr.P.C by the respondent Police. Later, during the course of investigation, it came to light that the petitioners, who are working as constables in CISF, have brutally assaulted the de facto complainant's brother/victim, who was a trespasser, due to which, the victim died. Hence the case.

3. Learned Senior Counsel appearing for the petitioners submitted that the petitioners are working as constables in CISF and on the date of occurrence, the victim/deceased had trespassed into the premises in an inebriated condition, due to which, there was a scuffle between the petitioners



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and the victim/deceased, as a result, he accidentally fall into the pit. He further submitted that the petitioners are the persons, who had lifted the victim out from the pit and taken him to the hospital, whereas, unfortunately, he died. He also submitted that the incident happened only during the quarrel and there is no intention or motive on the part of the petitioners to cause death of the de facto complainant's brother. He further submitted that the petitioners, who are now suspended from service, are innocent persons and they are having roots in the society and there is no possibility for them to escape from the clutches of law. Hence, he prayed for grant of bail to the petitioners stating that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the victim/deceased, in an inebriated condition, had entered into the premises of NLC, due to which, the petitioners, who were on duty, had questioned and quarrelled with him. Further, the petitioners had brutally attacked the victim and during such time, he fall into the pit and died. He further submitted that the petitioners alone have taken the victim to the hospital, however, he objected for granting bail to the petitioners.



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5. Heard the learned Senior Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the incident had happened only when the victim trespassed into the premises of NLC and quarrelled with the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Neyveli**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioners shall stay at Chennai and report before the Inspector of Police, B1 North Beach Police Station, Chennai, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The District Munsif cum Judicial Magistrate,
Neyveli.
2. The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
3. The Sub Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
B1, North Beach Police Station,
Chennai.

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