



WEB COPY



Crl.O.P.No.27246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

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

Crl.O.P.No.27246 of 2024

Gopal

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No. 1136 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.1136 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 20.08.2024, for the alleged offences punishable under Sections 296(b),
332(c) and 109 of BNS @ Sections 296(b), 332(a) and 103(1) of BNS Act,



Crl.O.P.No.27246 of 2024

in Crime No.1136 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the brother of the defacto complainant's father. Due to previous enmity regarding civil dispute between the petitioner and the defacto complainant's father, on 19.08.2024 at about 9.00 p.m, the petitioner abused the defacto complainant's father in filthy language and assaulted him using hand and wooden log, thereby causing severe head injuries, after treatment, the deceased died in the hospital. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted 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 submit that the petitioner was arrested and is in judicial custody from 20.08.2024 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 (Crl.Side) appearing for the respondent police submitted that due to previous enmity regarding civil



Crl.O.P.No.27246 of 2024

dispute between the petitioner and the defacto complainant's father, on the date of the alleged occurrence, the petitioner abused him, assaulted with hands and wooden log, causing severe head injuries, and after treatment, the deceased died in the hospital. He further submits that the petitioner has no previous case pending against him. He further submits that investigation was completed and final report was also filed and the case was taken on file as PRC.No.161 of 2024. 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, investigation was completed and the charge sheet was also filed and now the case is posted for committal, considering the period of incarceration undergone by the petitioner from 20.08.2024, and the petitioner has no previous cases, pending against him 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



Crl.O.P.No.27246 of 2024

WEB COPY

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 learned Judicial Magistrate No.2, Salem, 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;

[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



Crl.O.P.No.27246 of 2024

Kerala [(2005)AIR SCW 5560]; and

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

29.10.2024

drl

To

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

P.DHANABAL, J.

drl



WEB COPY



Crl.O.P.No.27246 of 2024

Crl.O.P.No.27246 of 2024

29.10.2024