



Crl.O.P.No.27354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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

Crl.O.P.No.27354 of 2024

Tamizhselvan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Avalurpet Police Station.
Villupuram District.

(Crime No.439 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.439 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Silambuselvan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.09.2024, seeking bail in Crime No.439 of 2024 registered for the offence under Sections



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296(b), 115(2), 118(1), 133, 109 and 351(3) of BNS altered into 296(b), 115(2), 118(1), 133, 103 and 351(3) of BNS.

2. The case of the prosecution as per the de facto complainant/Kalaiselvan is that on 21.09.2024, the petitioner, who is his brother, during the quarrel with his father, had assaulted him with wooden log, resulting in which, he sustained injuries. Later, the petitioner had admitted his father/victim in a hospital stating that he fell down from the bike. Based on the complaint given by the de facto complainant, the case was registered by the respondent under Sections 296(b), 115(2), 118(1), 103, 109 and 351(3) of BNS. Thereafter, since the de facto complainant's father died without responding to the treatment, the case has been altered to the offence under Sections 296(b), 115(2), 118(1), 133, 103 and 351(3) of BNS. Hence the case.

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 further submitted that the victim/deceased is none other than the father of the petitioner and the petitioner has no intention or motive to commit



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murder of his father. He also submitted that the incident had happened only during the quarrel between the petitioner and his father and the petitioner is the person, who had admitted his father/deceased in the hospital and victim had died only after 9 days of the incident. He further submitted that the petitioner is in custody from 23.09.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that during the quarrel between the petitioner and his father/deceased, the petitioner had assaulted his father with wooden log, due to which, he sustained injuries and died after nine days. He further submitted that the case is under investigation and there is no previous case against the petitioner, however, he opposed for grant of bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that there is no previous case against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Gingee**, 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;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, E5, Foreshore Estate Police Station, everyday at 10.30 a.m. and 6.30 p.m., until further orders;

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

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



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

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

07.11.2024

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To

1. The Judicial Magistrate,
Gingee.
2. The Sub-Inspector of Police,
Avalurpet Police Station,
Villupuram District.
3. The Sub Jail, Gingee.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
E5, Foreshore Estate Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA.,J.

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