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CrI.O.P.No.28063 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

CrI.O.P.No.28063 of 2024

1. P.Sundararajan

2. M.Sakthivel

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Jedarpalayam Police Station.
Namakkal District.

(Crime No.105 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.105 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Senthil

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 17.09.2024, seeking bail in Crime No.105 of 2024 registered for the offence under Section 103(1)



2. The case of the prosecution as per the de facto complainant is that her son/deceased was given in marriage to one Priya, who is working as a Clerk in the Police Department and they have one male child. The de facto complainant's son and her daughter-in-law used to quarrel with each other occasionally and on 16.09.2024, due to the quarrel between them, de facto complainant's daughter-in-law left the house. When the de facto complainant's son/deceased followed his wife to pacify the issue, his wife's brother and relative have abused him and assaulted him with hands and legs, resulting in which, he sustained injuries and died on the way to the government hospital. Hence the case.

3. Learned counsel appearing for the petitioners submitted that this is the second bail application filed by the petitioners. He further submitted that the petitioners, who are respectively the brother-in-law and relative of the deceased, are innocent persons and the incident had happened only during the quarrel. He also submitted that there is no intention or motive on the part of the petitioners to commit murder of their relative. He also submitted that even



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as per the prosecution, no weapons were used in this incident and earlier the deceased was taken to the private hospital and thereafter, on instruction, he was taken to the government hospital, whereas, unfortunately, he died on the way to the hospital. He also submitted that the petitioners are suffering incarceration from 17.09.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that the petitioners, who are relatives of the deceased, due to the family dispute, have abused and assaulted the de facto complainant's son/deceased, due to which, the deceased sustained injuries and died on the way to the hospital. He further submitted that this is the second application for bail filed by the petitioners and the major part of the investigation in this case is over.

5. Heard the learned counsel appearing for the petitioners and the



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learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

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 the incident has happened only during the quarrel and also considering the period of incarceration undergone by 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Paramathi**, 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 petitioners shall stay at Karur and report before the Inspector of Police, Karur Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioners shall not



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enter into the jurisdiction of the respondent Police, until further orders;

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

[d] the petitioners shall not tamper with evidence or witness during 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.

12.11.2024

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate,
Paramathi.
2. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
3. The Superintendent,
Central Prison,
Salem.
4. The Inspector of Police,
Karur Town Police Station,
Karur.
5. The Public Prosecutor,
High Court of Madras.

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