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CrI.O.P.No.27699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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

CrI.O.P.No.27699 of 2024

Prasanth

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
(Crime No.719 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.719 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 (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.10.2024, seeking bail in Crime No.719 of 2024 registered for the offence under Sections 296(b), 103 of BNS.



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2. The case of the prosecution is that on 12.10.2024, at 6.00 a.m., the de facto complainant's husband/deceased had objected one Dheenana for plucking mango leaves from the tree situated near his Ashramam, thereby, there was a quarrel between the victim/deceased and the petitioner, who is the friend of the said Dheenana. During the quarrel, the petitioner had abused the victim/deceased in filthy language and assaulted him on his chest and nose, due to which, the victim got fainted and he was admitted at the hospital, whereas, at 10.00 a.m., the victim died without responding to the treatment. Hence the case.

3. Learned Counsel 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 petitioner had no intention to murder the de facto complainant's husband, whereas, the incident had happened only during the quarrel and even no weapon was used. He also submitted that initially, the victim had only assaulted the petitioner and initiated the scuffle. He further submitted that the petitioner is in custody from 12.10.2024 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.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail, submitted that the petitioner had assaulted the victim/husband of the de facto complainant during the scuffle, since the victim had objected the petitioner's friend from plucking mango leaves from the tree, due to which, the victim sustained injuries and died on the same day without responding to the treatment. He further submitted that there is no previous case against the petitioner.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter and the Forensic Examination Report filed by the respondent Police.

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 No.I, Tiruvannamalai**, 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, B1 North Beach Police Station, Chennai, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 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



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can be registered under Section 269 of B.N.S.

18.11.2024

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To

1. The Judicial Magistrate No.I,
Tiruvannamalai.
2. The Sub-Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
B1, North Beach Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA., J.

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