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Crl.O.P.No.28753 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28753 of 2024

1.Ethiraj

2.Subramani

3.Saravanan

4.Geetha

5.Akash

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Arakonam Taluk Police Station,
Ranipet District.
(Crime No. 292 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.292 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.G.P.Sivakumar

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



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ORDER

The Petitioners, who were arrested and remanded to judicial custody on 06.09.2024, for the alleged offence punishable under Sections 126(2), 191(2), 191(3), 296(b), 103(1), 351(3) of BNS Act, in Crime No.292 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.09.2024 at about 22.30 hours, due to a land dispute and previous enmity, the petitioners assaulted the defacto complainant's husband with a knife and stone, causing severe head injuries, he was admitted to the hospital, and later died. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that this is the second bail petition filed by the petitioners. He further submits that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submit that the petitioners were arrested and are in judicial custody from 06.09.2024 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police raised an objection stating that the defacto complainant's family and petitioners are relatives. He further submits that the defacto complainant's husband murdered the accused person A2's son, due to this enmity, the accused persons conspired together and planned to murder the defacto complainant's husband. On the date of the alleged occurrence, when the deceased was on the way to collect his wages, the accused persons, in order to take revenge, murdered the deceased. He further submits that the petitioners have no previous cases pending against them. He further submits that investigation was completed and the charge sheet was also filed. 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 representation made by both side counsel, nature of offence charged against the petitioner, investigation was completed and the charge sheet was also filed, no previous case pending against him,



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considering the period of incarceration undergone by the petitioners from 06.09.2024, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Arakkonam, and on further conditions that:-

[a] the petitioners shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] the Petitioners 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 Petitioners 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 Petitioners shall not abscond either during investigation or



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trial;

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

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

20.11.2024

drl

To

- 1.The Judicial Magistrate No.I,
Arakonam.
- 2.The Inspector of Police,
Arakonam Taluk Police Station,
Ranipet District.
- 3.The Superintendent,
Central Jail, Vellore.
- 4.The Public Prosecutor,



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High Court of Madras.

P.DHANABAL, J.

drl

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