



WEB COPY



Crl.O.P.No.29332 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

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1.Dhanraj @ Dhanush

2.Pasupathi @ Rasaiyya

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Sipcot Police Station,
Thiruvallur District.
(Crime No. 760 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.760 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.R.Sasikumar

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

ORDER

The Petitioners, who were arrested and remanded to judicial
custody on 14.09.2024, for the alleged offences punishable under Section



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103 of BNS, in Crime No.760 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.09.2024, at about 9.00 a.m, the defacto complainant's son went to work, but he did not return, thereafter, on the next day, the deceased was found murdered with injuries all over the body. During investigation, it came to light that the petitioners assaulted the deceased with knife and murdered him. Hence, the complaint.

3. Learned counsel for the petitioners submitted that this is the second bail petition filed by the petitioners. He further submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that due to previous enmity, they have been arrested on suspicion, and they are in judicial custody from 14.09.2024 and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police raised an objection stating that from the confession



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statement of accused, it reveals that the accused and the deceased are neighbours. Prior to incident, the deceased torched the accused, stating that the deceased was an elder person and that the accused persons had to obey the words of the deceased.. Due to this enmity, the accused persons murdered the deceased. He further submitted that the petitioners have no previous cases pending against them, and that investigation was completed and the charge sheet was also filed. Hence, he opposed to grant bail to the petitioners.

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, investigation was completed and the charge sheet was also filed, no previous case pending against the petitioners, considering the period of incarceration undergone by the petitioners from 12.09.2024 and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 District Munsif cum Judicial Magistrate, Gummudipoondi, 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 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



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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.

27.11.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Gummidipoondi.
- 2.The Inspector of Police,
Sipcot Police Station,
Thiruvallur District.
- 3.The Superintendent,
Central Prison II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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