



WEB COPY



Crl.O.P.No.28901 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.28901 of 2024

1.Paranthaman

2.Murugan

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.
(Crime No. 178 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.178 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.J.Pradeep

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

ORDER

The Petitioners, who were arrested and remanded to judicial



Crl.O.P.No.28901 of 2024

custody on 16.09.2024, for the alleged offence punishable under Section 194 of BNSS altered to Section 103, 238 of BNS in Crime No.178 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused are said to have brutally assaulted the deceased on his head and murdered him. 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 the 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 16.09.2024 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners along with other accused are said to have brutally assaulted the deceased on his head and murdered him. He



CrI.O.P.No.28901 of 2024

WEB COPY

further submits that during the investigation, it was revealed that there is a previous enmity between A1 and the deceased regarding a property dispute, for which, the petitioners assaulted the deceased with a wooden log on the head, murdered him, and then threw the dead body into the well. Based on the confession statement of the accused, the section 194 BNSS @ under Sections 103, 238 of BNS. He further submits that A1 has two previous cases and A2 has no previous cases, against him. He further submits that investigation is completed and the charge sheet has also been 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, considering the period of incarceration undergone by the petitioners from 16.09.2024, though the petitioner/A1 has two previous cases, in all the cases, he has been released on bail, A2 has no previous case pending against him, investigation was completed and the charge sheet was also filed, and also considering all others factors, I am inclined to grant bail to the petitioners,



CrI.O.P.No.28901 of 2024

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, Palacode, 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



CrI.O.P.No.28901 of 2024

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,
Palacode.
- 2.The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.28901 of 2024

P.DHANABAL, J.

drl

CrI.O.P.No.28901 of 2024

20.11.2024