



WEB COPY



Crl.O.P.No.28497 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.28497 of 2024

Subramani @ Mani

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Crime No. 354 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.354 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.J.Pradeep

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 24.08.2024, for the alleged offence punishable under Sections 126(2),



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103, 61(2) of BNS Act, in Crime No.354 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.08.2024 at about 2.22 p.m, due to a dispute with regard to illegal selling of liquor, the petitioner along with other accused persons, conspired together, waylaid the defacto complainant and hit the two-wheeler of the deceased, and attacked him using a lethal weapon, and the deceased died on the spot. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the third bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the co-accused were released on bail by this Court. He further submit that the petitioner was arrested and is in judicial custody from 24.08.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent submitted that there are nine accused in this case and the petitioner herein is arrayed as A5. He further submits that the petitioner is the brother of A1 and he was present at the scene of occurrence. He further submits that A1 and A2 have been detained as "Goonda" under Section 2(f) of the Tamil Nadu Act 14 of 1982. He further submits that the petitioner has four previous cases pending against him and the investigation is almost completed. 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 nature of offence, co-accused were also released on bail, though the petitioner has four previous cases and all are not similar kind of offence, in all the cases, he has been released on bail, prime accused/A1 and A2 were detained under Goondas, investigation is almost completed, considering the period of incarceration undergone by the petitioner from 24.08.2024, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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]; 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.II,
Hosur.
- 2.The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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