



Crl.O.P.No.28369 of 2024

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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

Crl.O.P.No.28369 of 2024

1. Janakiraman @ Johnson
2. Pradheesh @ Bheema
3. Karthick

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
T3, Korattur Police Station,
Tiruvallur District.

(Crime No.499 of 2024)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in Crime No.499 of 2024, in PRC.No.32 of 2024 on the file of the Judicial Magistrate Court, Ambattur, Chennai.

For Petitioners : Mr.J.Anand

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody, seeking bail in in PRC.No.32 of 2024 on the file of the Judicial Magistrate Court, Ambattur, Chennai, in connection with Crime No.499 of 2024 on the file of the respondent Police.

2. The case of the prosecution as per the de facto complainant/Lakshmi is that some unknown persons had assaulted her husband/victim, due to which, he sustained severe injuries. Based on his complaint, a case in Crime No.499 of 2024 came to be registered under Section 324 of IPC by the respondent Police. Later, during the course of investigation, it came to light that the accused and the de facto complainant's husband are friends and the victim had developed illicit intimacy with the sister-in-law of the first accused. On 01.06.2024, when the accused and the victim/deceased were having drinks together, the victim/deceased had shown some obscene videos of other ladies with him and the first accused, on suspecting that the victim would also have video of his sister-in-law, had assaulted him and there was a scuffle between them and during such time,



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A1 along with other accused had brutally assaulted him. Thereby, the victim/deceased was admitted at hospital, whereas, on 06.06.2024, he died without responding to the treatment. Therefore, the offences have been altered. Hence the case.

3. Learned Counsel appearing for the petitioners submitted that the petitioners, who are arrayed as A9, A6 & A10 respectively, are innocent persons and they have been falsely implicated in this case. He further submitted that the victim/deceased are known to the petitioners and since the victim had shown obscene videos of other women with him to the first accused, there was a quarrel between them. He also submitted that the petitioners had no intention or motive to commit murder of the victim and the incident had happened during the quarrel. He further submitted that the investigation has been completed and the case is pending committal in PRC.No.32 of 2024. He also submitted that the petitioners were arrested respectively on 24.06.2024, 08.06.2024 and 09.06.2024, hence, he prayed for grant of bail to the petitioners stating that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that on 01.06.2024, the first accused along with other accused had assaulted the victim/deceased during the quarrel and due to which, the victim sustained injuries and died on 06.06.2024, without responding to the treatment. He further submitted that the charge sheet has been filed and the case is pending committal on the file of the Judicial Magistrate Court, Ambattur, Chennai, in PRC.No.32 of 2024. He also submitted that the petitioners are arrayed as A9, A6 & A10 respectively and against A9, three previous cases are pending and against A10, three previous cases are pending and in respect of A6, there is no previous case.

5. Heard the learned Counsel appearing for the petitioners, the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of the fact that the case is pending committal on the file of the Judicial Magistrate Court, Ambattur,



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Chennai and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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, Ambattur, Chennai**, 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 petitioners shall appear before the learned Judicial Magistrate, Ambattur, on all working days at 10.30 a.m., for a period of three weeks and thereafter, on the dates fixed by the learned Magistrate;

[c] the petitioners shall not abscond during trial;

[d] the petitioners shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions,



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the learned 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]***;

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

18.11.2024

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To

1. The Judicial Magistrate,
Ambattur, Chennai.
2. The Inspector of Police,
T3, Korattur Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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