



CRL O.P. No.28546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.12.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.28546 of 2024

Srinivasa S/o. Venkataswamy

... Petitioner / Accused-6

Vs

State rep. by:-

The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

... Respondent

[Cr. No.278 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.278 of 2024 on the file of the respondent police.

For Petitioner : Mr. G.C. Nelson Britto

For Respondent : Mr. S. Balaji

Government Advocate [Criminal side]

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 22.09.2024 for the offences punishable under Section 103 of B.N.S. altered to Sections 191(2), 191(3), 127, 103(2) and 61(2)



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of B.N.S. in Cr. No.278 of 2024 on the file of the respondent police,
seeks bail.

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2. The case of the prosecution is that on 18.09.2024 at about 10.30 p.m., the defacto complainant found a dead body near Bagalur-Perigai Road, Hosur Circle, Krishnagiri District. Initially the case was registered in Cr. No.278 of 2024 under Section 103 of B.N.S. During the investigation, it came to know that, due to previous enmity, the petitioner along with other accused attacked the deceased by using lethal weapons. Therefore, the case has been altered to the offences punishable under Sections 191(2), 191(3), 127, 103(2) and 61(2) of B.N.S..

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offence punishable under Section 103 of B.N..S altered to Sections 191(2), 191(3), 127, 103(2) and 61(2) of B.N.S. in Cr. No.278 of 2024 and he was arrested and remanded to judicial custody on 22.09.2024. According to the prosecution, this petitioner along with other accused have attacked the deceased and he died on 19.09.2024. In fact, this



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petitioner is an innocent and he has been falsely implicated in this case and investigation was almost completed and this petitioner is only the friend of the main accused. This petitioner is not a named accused in the FIR and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner along with other accused have assaulted the deceased and caused death to him, due to the previous enmity. Thereafter, the Village Administrative Officer of Hosur Taluk, Krishnagiri District lodged a complaint and based on the complaint, FIR has been registered. On investigation it came to know that this petitioner along with other accused have attacked the deceased using lethal weapons, due to previous enmity between A1 and the deceased in respect of Vinayaka Chanthurthi festival and murdered the deceased. Investigation is not yet completed and hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the rival submissions made on either side, considering the fact that the material part of investigation was completed, that the petitioner is not a named accused in the FIR, that there is no previous case pending as against this petitioner and considering the incarceration period of this petitioner from 22.09.2024, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.1, Hosur** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;



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[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Judicial Magistrate No.1, Hosur
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Bagalur Police Station, Krishnagiri District.
4. The Superintendent of Police, Central Jail, Salem.

P.DHANABAL,J
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