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CrI.O.P.No.28470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.28470 of 2024

1. Seenu

2. Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Manavala Nagar Police Station.
Tiruvallur District.
(Crime No.354 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.354 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Parthiban

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 13.10.2024, seeking bail in Crime No.354 of 2024 registered for the offence under Sections



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115(1) and 296(b) of BNS and later, altered to 103(1), 115(2), 191(2) & 296(b) of BNS.

2. The case of the prosecution is that the de facto complainant and the accused are colleagues and on 28.09.2024, since the de facto complainant had pacified the issue between A1 and his friend Saranraj, the first accused developed a grudge against the de facto complainant. Thereby, on 30.09.2024, when the de facto complainant and his friend Saranraj were coming back from their work, A1 along with other accused, abused the de facto complainant and the said Saranraj and assaulted them, due to which, the de facto complainant sustained injuries on his head and admitted in the hospital. Based on his complaint, the present case came to be registered, whereas, unfortunately, on 09.10.2024, the de facto complainant died without responding to the treatment, thereby, the case was altered to one and under Sections 103(1), 115(2), 191(2) & 296(b) of BNS. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, since they happened to be the friends of A1. He further submitted that



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the incident had happened only during the quarrel and there is no intention or motive on the part of the petitioners to commit murder of the de facto complainant. He also submitted that even as per the prosecution, the incident had occurred on 30.09.2024 and the de facto complainant/victim died after nine days i.e. on 09.10.2024. He further submitted that the petitioners are suffering incarceration from 13.10.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that due to previous enmity, the petitioners, who are arrayed as A3 & A4 respectively, along with other accused, had abused and assaulted the de facto complainant/victim and his friend, due to which, the de facto complainant sustained injury on his head and died without responding to the treatment. He further submitted that A5 and A6 in this case are still absconding and further, CCTV footage is also available to show that the petitioners had involved in the offence. He also submitted that there is no previous case against the petitioners, however, if they are released on bail,



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there is every possibility of them absconding and not available for further investigation.

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 circumstances of the case, the submissions made by the learned counsel on either side and taking note of 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 No.II, Tiruvallur**, 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



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Bank pass Book to ensure their identity;

[b] the petitioners shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond during either during investigation or trial;

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

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

14.11.2024

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To

1. The Judicial Magistrate No.II,
Tiruvallur.
2. The Inspector of Police,
Manavala Nagar Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison -II,
Puzhal.
4. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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