



Crl.O.P.No.28774 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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

Crl.O.P.No.28774 of 2024

1. Sathish Kumar

2. Suresh Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
D-4, R.K.Pet Police Station,
Thiruvallur District.

(Crime No.544 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.544 of 2024, on the file of the respondent Police.

For petitioners : Mr.G.Mohanram

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

ORDER

This Criminal Original Petition has been filed by the petitioners/A2 and A3, who were arrested and remanded to judicial custody on 20.09.2024



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and 18.09.2024 respectively, seeking bail in Crime No.544 of 2024 registered for the offence under Sections 296(b), 115(2), 118(1), 351(3), 103(1) of BNS.

2. The case of the prosecution is that on account of the dispute in respect of conducting consecration ceremony in a temple, the accused had abused the de facto complainant's husband in filthy language and assaulted him with wooden log and hands, due to which, the de facto complainant's husband/victim sustained injuries and admitted at the hospital on 15.09.2024. Based on the complaint given by the de facto complainant, the present case came to be registered by the respondent on 16.09.2024, whereas, unfortunately, on 18.09.2024, the victim died without responding to the treatment. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners/A2 and A3 are innocent persons and they have been falsely implicated in this case. He further submitted that the the incident had happened only during the quarrel and there is no intention or motive on the part of the petitioners to cause death of the de facto complainant's husband.



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He also submitted that even as per the prosecution, the incident had occurred on 15.09.2024 and the victim died after three days i.e. on 18.09.2024. He further submitted that the investigation in this case has been completed, however, the petitioners are suffering incarceration for more than 55 days 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 the petitioners herein/A2 and A3 are the sons of the first accused. He further submitted that there was a dispute between the first accused family and the de facto complainant's husband with regard to conducting the consecration ceremony in the temple and due to which, on 15.09.2024, A1 to A3 along with two other accused had assaulted the victim causing injuries and thereafter, on 18.09.2024, the victim died without responding to the treatment. He further submitted that the investigation in this case has been completed and the charge sheet has also been filed, which is yet to be taken on file.



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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 including the counter filed by the respondent Police.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the fact that the charge sheet has been filed 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 **District Munsif cum Judicial Magistrate Court, Pallipat, Thiruvallur District**, 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;



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[b] the petitioners shall appear before the District Munsif cum Judicial Magistrate Court, Pallipat, all working days at 10.30a.m., until further orders;

[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, 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 of B.N.S.

19.11.2024

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The District Munsif cum Judicial Magistrate,
Pallipat, Thiruvallur District.
2. The Inspector of Police,
D-4, R.K.Pet Police Station,
Thiruvallur District.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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