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Crl.O.P.No.29058 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

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

Crl.O.P.No.29058 of 2024

R.Parandhaman

... Petitioner

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 petitioner on bail, in connection with the Crime No.354 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

This Criminal Original Petition has been filed by the petitioner, 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) & 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 the petitioner/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) & 296(b) of BNS. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the incident had happened only during the



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quarrel and there is no intention or motive on the part of the petitioner 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 co-accused in this case have been granted bail by this Court in Crl.O.P.No.28470 of 2024 dated 14.11.2024, hence, he prayed for grant of bail to the petitioner stating that the petitioner, who is suffering incarceration from 13.10.2024, is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that due to previous enmity, the petitioner/A1 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 petitioner had involved in the offence. He also submitted that there is no previous case against the petitioner, however, if he



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is released on bail, there is every possibility of him absconding and not available for further investigation.

5. Heard the learned counsel appearing for the petitioner, 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 and taking note of the period of incarceration undergone by the petitioner and that the co-accused have been granted bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond 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



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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 petitioner 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 petitioner shall not abscond during either during investigation or trial;

[d] the petitioner 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 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]*;

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

21.11.2024

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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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