



Crl.O.P.No.28873 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.28873 of 2024

1. Mohan

2. Kannan

3. Malathi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
(Crime No.788 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.788 of 2024, on the file of the respondent Police.

For Petitioners : Mr.A.Santhanakrishnan

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

ORDER

This Criminal Original Petition has been filed by the petitioners,



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who were arrested and remanded to judicial custody on 14.09.2024, seeking bail in Crime No.788 of 2024 registered for the offence under Sections 103(1), 109(1), 115(2), 118(1), 133, 191(2), 191(3), 296(b) & 351(3) of BNS.

2. The case of the prosecution is that there exists a property dispute between the family members of the de facto complainant and the accused and on the date of occurrence, due to dumping of the garbage in the boundary of the de facto complainant by the accused, there was a quarrel between both the families and during such time, the accused had abused the de facto complainant and his family members and assaulted them with iron rod and wooden log, in which, the de facto complainant's mother sustained injuries and died on the way to hospital. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners, who are arrayed as A2 to A4, are innocent persons and they have been falsely roped in this case. He further submitted that 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 mother. He



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also submitted that the entire family members were implicated in this case and the investigation has also been completed, however, the petitioners are suffering incarceration from 14.09.2024. 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that the petitioners/A2 to A4, who are the neighbours and relatives of the de facto complainant, due to the existing property dispute, had abused and assaulted the de facto complainant and his family members, in which, the mother of the de facto complainant sustained grievous injuries and died. He further submitted that the case is pending committal on the file of the District Munsif cum Judicial Magistrate Court, Thiruvannainallur, in P.R.C.No.14 of 2024 and the case now stands posted for appearance of the accused on 18.12.2024.

5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and



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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, taking note of the fact that the case is pending committal on the file of the District Munsif cum Judicial Magistrate Court, Thiruvennainallur 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 **District Munsif cum Judicial Magistrate, Thiruvennainallur**, 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 **District Munsif cum Judicial Magistrate, Thiruvennainallur**, all working days at 10.30a.m., for a period of two weeks and thereafter, on the dates fixed



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by the learned Magistrate. It is made clear that the petitioners shall not enter into the jurisdiction of the respondent Police, other than appearing before the concerned Court;

[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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To

1. The District Munsif cum Judicial Magistrate,
Thiruvannainallur.
2. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Superintendent,
Central Prison (Women ward), Vellore.



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5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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