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Crl.O.P.No. 30427 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

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

Crl.O.P.No. 30427 of 2024

1. Murugan
 2. Naveen
 3. Kamalanadan
- ... Petitioners

Vs.

State by
Inspector of Police,
Jolarpet Police Station,
Thirupathur District.
(Cr.No. 655 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.
655 of 2024 on the file of the Inspector of Police, Jolarpet Police Station,
Thirupathur District.

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

ORDER



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Petition seeking bail in respect of Crime No.655 of 2024 registered for the offences punishable under Sections 194(1) BNSS, 2023, 103(1) and 238 of BNS 2023 is on board for consideration.

2.The incarceration of the petitioner being from 02.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The learned counsel for the petitioner further submits that the petitioners are father, brother and brother in law of the victim girl, the deceased had committed rape on the daughter of the first petitioner and due to provocation the incident had happened. He further submits that the petitioners had no intention to commit murder of the deceased. He further submits that the incident occurred due to mob frenzy. He further submits that since the deceased committed rape on the first petitioner's daughter, who is a mentally retarded person, the villagers have assaulted him, resulting in his death. He further submits that the petitioners later surrendered at the Police Station.

4.The case of the prosecution as putforth by the learned Government



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Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that Village Administrative Officer of Ponneri, Thirupathur lodged a complaint stating that an unknown dead body was found near public road and requested the respondent Police to take necessary action. The respondent Police registered a case under Section 194(1) BNSS, 2023. The learned counsel further submits that during the course of investigation, it came to light that in retaliation for the rape of A1's daughter by the deceased, the petitioners assaulted the deceased, causing injuries that later resulted in his death. He further submits that the deceased worked under A1.

5.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.I, Thirupathur, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners shall not tamper with evidence or witness 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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The Judicial Magistrate No.1,
Thirupathur.
2. The Inspector of Police,
Jolarpet Police Station,
Thirupathur District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

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