



Crl.O.P.No.31023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.31023 of 2024

1.Vikram @ Vijaya Kumar

2.Arun Kumar

... Petitioners

Vs.

State Represented by,
The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
Crime No.354 of 2024.

... Respondent

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

For Petitioners : Mr.S.Thirugnanam

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 25.09.2024, for the alleged offences under Sections 115(2),



CrI.O.P.No.31023 of 2024

308(4) and 108 of BNS @ 61(2), 118(2), 308(4), 310(2), 3(5), 108 of BNS in Crime No.354 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased is a building contractor. On 19.09.2024 at about 3.35 p.m., the petitioners along with other accused demanded a sum of Rs.30 lakhs from the defacto complainant's father, due to which, the deceased committed suicide by hanging. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that this is the second bail petition filed by the petitioners. He further submits that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submitted that the similarly placed co-accused in this case has been granted bail by this Court. He also submitted that the detention of the petitioners under Goondas Act under Section 2(f) of the Tamil Nadu Act 14 of 1982 was revoked by the Deputy Secretary of the Government of Tamil Nadu, Home and Prohibition Excise Department. He further submits that the petitioners were arrested and are in judicial custody from 25.09.2024 and are ready to



Crl.O.P.No.31023 of 2024

abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are totally 7 accused in this case and the petitioners herein are ranked as A2 and A7, and that the deceased is a building contractor, when he was in his building work, there was a rumour that a sum of Rs.30 crores had been taken by the deceased, which was come to known by the accused persons, for which, they demanded a sum of Rs.30 lakhs from him, due to which, the deceased committed suicide by hanging. Initially a case was registered under Sections 115(2), 308(4) & 108 of BNS and later it was altered into under Sections 61(2), 118(2), 308(4), 310(2), 3(5), 108 of BNS. He further submitted that the petitioners are having two previous cases, pending against them; and that the investigation is still pending. However, he strongly opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.



CrI.O.P.No.31023 of 2024

6. Considering the representation made by both side counsel, nature of offence, co-accused was also released on bail, considering that the petitioners were detained under Goondas Act of the Tamil Nadu Act 14 of 1982 and thereafter, the detention order of the petitioners have been revoked, though the petitioners have two previous cases, in all the cases they have been released on bail, and that considering the period of incarceration undergone by the petitioners, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.V, Vellore, Vellore District, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



CrI.O.P.No.31023 of 2024

WEB COPY

[c] the Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

13.12.2024

drl



WEB COPY



Crl.O.P.No.31023 of 2024

P.DHANABAL, J.

drl

To

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

Crl.O.P.No.31023 of 2024

13.12.2024