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Crl.O.P.Nos.31394 & 31431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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

Crl.O.P.Nos.31394 & 31431 of 2024

Latha ... Petitioner in Crl.O.P.No.31394 of 2024

1. Thirumalai

2. Arun

3. Thirunavukkarasu

4. Kasivel

5. Ramadevi ... Petitioners in Crl.O.P.No.31431 of 2024

Vs.

The State represented by,
The Station House Officer,
Thirukoilur Police Station,
Kallakurichi District.

(Crime No.583 of 2024). ... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with Crime No.583 of 2024, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

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



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COMMON ORDER

Petition seeking bail in respect of Crime No.583 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS @ Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) and 103(1) of BNS r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, is on board for consideration.

2. The incarceration of the petitioners being from 15.11.2024 and 03.11.2024 respectively pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are in no way connected with the alleged offence and the incident has happened only during the quarrel and the petitioners have no intention or motive to murder the de facto complainant's mother. He further submits that the co-accused has been enlarged on bail by this Court in Crl.O.P.No.31337 of 2024 dated 16.12.2024 and the petitioners are ready to abide by any stringent condition that may be imposed by this Court.



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3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that there exists a property dispute between the family members of the de facto complainant and the accused and due to which, on the alleged date of occurrence, the accused had trespassed into the house of the de facto complainant and abused the de facto complainant and her family members in filthy language and also assaulted them with wooden log and iron pipe causing grievous injuries. He further submits that the injured were admitted to the hospital and later, due to the effect of head injuries caused by the accused, the mother of the de facto complainant died without responding to the treatment.

4. The learned Government Advocate (Crl.Side) also submits that the petitioners herein are arrayed as A7, A2 to A6 respectively and against A2, five previous cases are pending and in respect of A3 to A5, one previous case is pending. He further submits that the investigation in this case has been completed and the charge sheet has also been filed before the learned Judicial Magistrate, Thirukovilur and it is yet to be taken on file.



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5. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the counters filed by the respondent Police and considering the period of incarceration undergone by the petitioners and that the co-accused has been enlarged on bail, 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 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 **Judicial Magistrate, Thirukovilur, Kallakurichi 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;

[b] the petitioners shall stay at Chennai and report before the Inspector of Police, Periamet Police Station, everyday at 10.30 a.m., until further orders;

[c] It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police, other than appearing on their hearing dates before the trial Court, until further



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orders;

[d] the petitioners shall not abscond during trial;

[e] the petitioners shall not tamper with evidence or witness during trial;

[f] 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]*;

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

17.12.2024

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To

1. The Judicial Magistrate, Thirukovilur,
Kallakurichi District.
2. The Station House Officer,
Thirukoilur Police Station,
Kallakurichi District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Superintendent,
Central Prison (Women), Cuddalore.
5. The Public Prosecutor,
High Court of Madras.
6. The Inspector of Police,
Periamet Police Station, Chennai.

A.D.JAGADISH CHANDIRA.,J.



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