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Crl.O.P.No.31662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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

Crl.O.P.No.31662 of 2024

1. Karunanithi

2. Settu

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
(Crime No.256 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.256 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.P.Harikrishnan

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

ORDER

Petition seeking bail in respect of Crime No.256 of 2024 registered for the offence punishable under Sections 296(b), 127(2), 118(1), 351(3) and 103(1) of BNS, is on board for consideration.



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2. The incarceration of the petitioners/A1 & A3 being from 14.09.2024 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 due to the previous enmity, they have been implicated in this case. He also submits that the investigation in this case has been completed and the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

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 the petitioners are respectively the son and son-in-law of the second accused, who is the brother of the de facto complainant's husband. He further submits that there exists a property dispute between the accused and the de facto complainant and on account of which, on the alleged date of occurrence, the accused had abused the de facto complainant's son/deceased, assaulted him with wooden log and iron rod, due to which, the victim/deceased sustained grievous injuries and later, died without responding to the treatment. 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 No.II



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Mayiladuthurai, which is yet to be taken on file. He also submits that one previous case is pending against A1 and there is no previous case against A3.

4. 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 and considering the period of incarceration undergone by the petitioners and that the charge sheet has also been filed in this case, 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 No.I, Mayiladuthurai**, 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 Judicial Magistrate No.II, Mayiladuthurai, on all working days at 10.30 a.m., until further orders;**

[c] the petitioners shall not abscond during trial;



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[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.

19.12.2024

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To

1. The Judicial Magistrate No.I,
Mayiladuthurai.
2. The Judicial Magistrate No.II,
Mayiladuthurai.
3. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
4. The Superintendent,
Central Prison, Trichy.
5. The Public Prosecutor,
High Court of Madras.

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