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CrI.O.P.No.14822 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CrI.O.P.No.14822 of 2025

1.V.Dhanasekaran

2. M.Karthi

... Petitioners/A1 & A3

Vs.

The State represented by,
The Inspector of Police,
Vellithiruppur Police Station,
Erode District.
(Crime No.63 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No.63 of 2025 on the file
of the respondent Police.

For Petitioners : Mr.T.Gowthaman
Sr Counsel
Assisted by
M/s. S.Karpagapriya

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.04.2025 and 07.04.2025 respectively, for the alleged offence punishable under Sections 126(2), 329(4), 296(b) and 103(1) of BNS [Under Section 341, 448, 294(b) and 302 of IPC], in Crime No.63 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to civil dispute with regard to digging of borewell, petitioners along with other accused attacked the deceased, due to which, the deceased sustained injuries and died. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners were arrested and they are in judicial custody from 06.04.2025 and 07.04.2025 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the due to civil dispute with regard to digging of borewell, petitioners along with other accused attacked the deceased, due to which, the deceased sustained injuries and died. Hence, he opposed for grant of bail to the petitioners.

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

6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioners, and also considering all others factors, this Court is 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) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Bhavani** and on further conditions that:-

[a] the sureties shall affix their photographs and



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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 report before the concerned Judicial Magistrate on every Monday to Friday at 10.30.a.m., and before the respondent police on every Saturday and Sunday 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 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

21.05.2025

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Note:-

1. Registry is directed to forthwith upload this order in

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the official website of this Court.

- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

- 1.The Judicial Magistrate No.II,
Bhavani
2. The Inspector of Police,
Vellithiruppur Police Station,
Erode District.
- 3.The Superintendent,
Sub Jail, Gobichettipalayam
- 4.The Public Prosecutor,
High Court of Madras.

N.SENTHILKUMAR, J.



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