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Crl.O.P.No.17585 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17585 of 2025

1. Usha

2. Manigandan @ Manikandan

... Petitioners

Vs.

The State, Rep by
The Inspector of Police
Gingee Police Station
Villupuram District
Crime No.187 of 2025

... Respondent

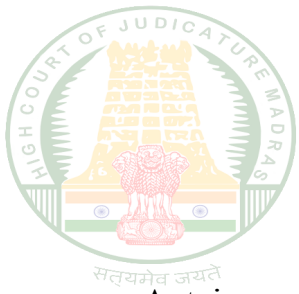
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner in Crime No.187 of 2025 on the file of the respondent police.

For Petitioners : Mr.M.Kalaiyaran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.05.2025, for the offence punishable under Section 296(B), 115(2), 118(1), 351(3) of BNS @ 103(1), 115(2), 118(1), 191(2), 191(3), 296(b), 351(3) of BNS



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Act in connection with Crime No. 187 of 2025, registered on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners along with other accused persons attacked the defacto complainant with hands. When the same was questioned by his son Felix and two of his friends namely Mohan and Vetri, the accused persons attacked them with knife and beer bottle. Due to which, the above said persons sustained injuries and one person namely Vetri sustained severe head injury and died. Hence, the case.

3. It is the contention of the petitioners that petitioners have been arrayed as A2 and A3. It is his contention that A2 along his family members used to supply firewoods to the brick chambers. There was a business dispute in supplying of firewoods between the petitioners and the defacto complainant/Salaman and his son, Felix. It is their contention that defacto complainant along with his son attacked the 1st petitioner's brother in the night hours, due to which, the petitioners sustained injuries and admitted in the hospital. Thereafter, on the death of one Vetri, defacto complainant's relative, a case has been projected as petitioners has assaulted them. Further, in this case, no weapon has been used and only wooden log has been used. Hence, he prays to grant bail to the petitioners.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that there are totally five accused in this case in which A1 is the husband of A2, A3, A4 and A5 were brothers of A2. He also submitted that there was a dispute between the 2nd petitioner and the defacto complainant in supplying of firewoods to the brick chambers. The petitioners attacked the defacto complainant, his son Felix and his son's friends namely Mohan and Vetri, due to which, all the persons sustained injuries and one Vetri sustained serious injuries and later, died. He also submitted that investigation has been completed in this case and charge has been filed on 10.06.2025 and the same is yet to be taken on file.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Court, Gingee** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall appear before the Judicial Magistrate, Gingee on every Monday at 10.30am., till the PRC number is assigned and thereafter, appear before the committal court on all hearing dates. After committal, they shall appear before the Trial Court on all hearing dates without fail;

[c] the petitioners shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police



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custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

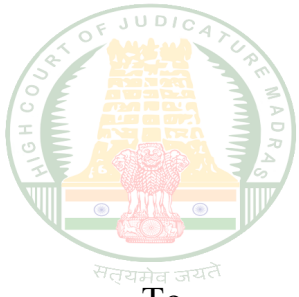
[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

18.06.2025

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Note:

1. Registry is directed to forthwith upload this order in 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 the official website of this Court will be watermarked and will also have a QR code.



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To

1. Judicial Magistrate Court, Gingee
2. The Inspector of Police
Gingee Police Station
Villupuram district.
3. The Superintendent,
Sub Jail for women, Villupuram.
4. The Superintendent,
Central Prison, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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