



WEB COPY



Crl.O.P.No.25883 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.25883 of 2023

Dhanasekaran S/o. Sundaram

... Petitioner/Accused-3

Vs.

State by
The Inspector of Police,
Banavaram Police Station,
Ranipet District.

(Crime No.182 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.182 of
2023 on the file of the respondent police with terms and conditions.

For Petitioner : Mr.G.P.Sivakumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



Crl.O.P.No.25883 of 2023

WEB COPY

ORDER

The petitioner seeks bail in Crime No.182 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 302, 307, 323, 324 & 506(ii) of IPC r/w Section 4 of TN Prohibition of Women Harassment Act. The petitioner had been taken into custody on 28.08.2023.

2.Earlier bail application of the petitioner was dismissed on 20.10.2023 in Crl.O.P.No.24360 of 2023. At that time, it had been stated that the nature of injuries were quite gruesome and five had been injured and one had died.

3.The brief facts are that A1 is the father of A2 and A3 and the petitioner is A3. A2 had marital issues with his wife. A1 and A3, had gone over to the house of the wife of A2 and tried to settle the matter but at that time, there was a quarrel, which escalated into serious violence, as a result of which, one person died and five were injured.

4.It is stated that there was counter complaint given by the petitioner herein.



Crl.O.P.No.25883 of 2023

5.The learned Government Advocate (Crl. Side) for the respondent states that investigation has been completed and that charge sheet would be shortly filed. That is a substantial change in circumstance.

6.In view of all these facts and that there is substantial change in circumstance, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate, Sholinghur, 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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



Crl.O.P.No.25883 of 2023

petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

10.11.2023

ata



WEB COPY



Crl.O.P.No.25883 of 2023

To

1. The Judicial Magistrate, Sholinghur.
2. The Central Jail, Vellore.
3. The Inspector of Police,
Banavaram Police Station,
Ranipet District.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25883 of 2023

C.V.KARTHIKEYAN. J.

ata

Crl.O.P.No.25883 of 2023

10.11.2023