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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.17952 of 2024

Arunagiri

... Petitioner

Vs.

State Rep by.
The Inspector of Police
HarurPolice Station,
Dharmapuri District.
Crime No. 312 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime No.
312 of 2024 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (CrI. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.03.2024 for the alleged offences punishable under Sections **296(b), 126(2) and 109 of BNS Act in crime No. 312 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 02.07.2024, the petitioner attacked the victim and also abused him in filthy language. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is ready to abide any conditions. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that defacto complainant is nephew of the petitioner due to property dispute the petitioner attacked the defacto complainant due to which the victim sustained head injuries. However, he raised objection to grant bail.



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5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and also there is no bad antecedents against the petitioner. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Harur**, 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 on alternative days at 10.30 a.m., until further orders. Further, the petitioner shall



deposit a sum of Rs.30,000/- (Thirty Thousand Only) to the credit of crime No. 312 of 2024 and the victim is permitted to withdraw the same.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate, Harur.**
2. The Inspector of Police
HarurPolice Station,
Dharmapuri District.
3. The Sub Jail, Harur.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17952 of 2024

29.07.2024