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CRL O.P. No.19474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19474 of 2024

Meera Moitheen (Mujip) S/o. Salam
Accused

... Petitioner /

Vs

State rep. by:-

The Inspector of Police,
Vellore South L & O Police Station,
Vellore District.

... Respondent

[Cr. No.323 of 2024]

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in Crime No.323 of 2024 on the file of the respondent police.



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 23.07.2024 for the offences punishable under Sections 118, 286, 351(3) of BNS Act, 2023, @ 296(b), 109 of BNS Act, 2023 in Crime No.323 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that owing to a wordy quarrel arose between the petitioner and the defacto complainant in respect of the family dispute, the petitioner abused the defacto complainant in filthy language and assaulted him, thereby caused injuries to the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and due to previous enmity in respect of family dispute, a false complaint has been lodged against the petitioner. He would further submit that the injury sustained by the defacto complainant was simple in nature and the injured has been discharged from the hospital. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to a wordy quarrel among the family, the petitioner abused the defacto complainant in filthy language and assaulted him. He would further submit that there is no previous case against the petitioner and the injured has been discharged from the hospital. However, he opposed to grant bail to the petitioner.

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

6.Considering the nature of offence and also the fact that the injured has been discharged from the hospital and there are no previous cases against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 No.I, Vellore, Vellore District**, and on further conditions that:



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[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not commit any offences of similar nature.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

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To

- 1.The Judicial Magistrate, No.I, Vellore, Vellore District.
- 2.The Inspector of Police,
Vellore South L & O Police Station,
Vellore District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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