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Crl.O.P.No.19626 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19626 of 2024

Praveen Kumar

...Petitioner/Sole Accused

Vs.

The State Rep by
Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
(Crime No.282 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Sections 439 of CrI.P.C., and 483 of BNSS Act, 2023 praying to enlarge the petitioner on bail in Crime No.282 of 2024 on the file of respondent police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 29.06.2024 for the offences under Sections 294(b) and 307 of the IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.282 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to a matrimonial dispute, a quarrel arose between the petitioner/husband and the defacto complainant/wife. During the said quarrel, the petitioner abused the defacto complainant with filthy language, attempted to commit murder and attacked the defacto complainant. Due to this, the defacto complainant sustained injuries and was admitted to the hospital. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner and the defacto complainant are husband and wife; that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution; and that the petitioner has been falsely implicated in this



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case. He further submitted that the petitioner has been in custody since 29.06.2024; that he is a law-abiding citizen, and that he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed granting bail to the petitioner by stating that the petitioner abused the defacto complainant with filthy language, attempted to commit murder and attacked her with a knife and that the injured has been discharged from the hospital.

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

6. Considering the submissions made on both sides, the relationship of the parties, the family dispute pending between the parties, the fact that the injured was discharged from the hospital, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on



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his 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 court of *Judicial Magistrate No.I, Tirupattur, Tirupattur District*, and on further conditions that:

- [a] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of thirty (30) days and thereafter, as and when required for the interrogation;**
- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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*



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SCW 5560];
[e] if the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of
the BNS.

14.08.2024

dk

To

- 1.The Judicial Magistrate - I,
Tirupattur,
Tirupattur District.
2. The Superintendent of Prison,
Sub Jail,
Tirupattur.
- 3.The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District..
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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