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Crl.O.P.No.19610 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.19610 of 2024

1.Udhayakumar

2.Azhagurani

...Petitioners/Accused - 1 and 2

Vs.

The State rep by
Inspector of Police,
Veppur Police Station,
Cuddalore.
(Crime No.287 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioners on bail in Crime No.287 of 2024 on the file of respondent police.

For Petitioners : Mr.R.Thirumoorthy

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 31.07.2024 for the offences under Sections 296(b), 126(2), 132, and 351(3) of the BNS r/w 4 of the TNPHW Act in Crime No.287 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant who is the Zonal Deputy Block Development Officer at Nallur Union Office, lodged a complaint on 31.07.2024, alleging that on 31.07.2024, at about 12.00 p.m., the defacto complainant and other officials were in the process of removing the encroachments in Veppur Old Colony. The petitioners interrupted the said work and abused the defacto complainant and other officials with filthy language. Hence, the case.

3. Learned counsel for the petitioners/A1 and A2 submitted that the officials demolished the house of the petitioners without notice, and therefore, the petitioners raised objections to the officials. He further submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners



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are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) opposed granting bail to the petitioners/A1 and A2 by stating that the petitioners interrupted the defacto complainant/Zonal Deputy Block Development Officer, and other officials who were in the process of encroachment, threatened and abused them with filthy language, and submitted that the eviction was done in a proper manner.

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

6. Considering the submissions made on both sides, the allegations made in the First Information Report, and also taking into consideration the period of incarceration undergone by the petitioners/A1 and A2, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the



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learned **Judicial Magistrate - I at Vridhachalam**, and on further conditions that:

[a] the petitioners shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[b] the petitioners shall not abscond either during investigation or trial;

[c] the petitioners 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 petitioners in accordance with law as if the 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)AIR SCW 5560];

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

14.08.2024

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To

1.The Judicial Magistrate - I,
Vridhachalam.

2.The Superintendent of Prison,
Central Prison,
Cuddalore.



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3.The Superintendent of Prison,
Central Prison for Women,
Cuddalore.

4.The Inspector of Police,
Veppur Police Station,
Cuddalore..

5.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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