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Crl.O.P.No.20126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20126 of 2024

Dinesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police
Manimangalam Police Station,
Kancheepuram District.
Crime No.216 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail in Crime No.216 of 2024, on the file
of the respondent police.

For Petitioner : Mr.D.Magesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.06.2024, for the alleged offence punishable under Sections 147, 148,
294(b), 506(ii), 307 of IPC r/w Section 3(1) of TNPPDL Act, in Crime



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No.216 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a previous enmity between the petitioner and the defacto complainant regarding taking a person on bail. On 23.06.2024, when the defacto complainant was inside his house with his children, the petitioner along with 15 other persons with deadly weapons came to his house, abused him with filthy language, threatened him with dire consequences and also damaged the defacto complainant's two wheeler and a Maruthi car. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity between the petitioner and the defacto complainant, he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 50 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police would contend that due to previous enmity between the petitioner and the defacto complainant, on the date of incident, the petitioner along with 15 other persons trespassed into the defacto complainant's house, abused him in filthy language, threatened him with dire consequences and also damaged the two-wheeler and a car belonging to the defacto complainant worth about Rs.15 lakhs. He further submitted that the petitioner has four previous cases, pending against him. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side, considering the nature of offence, and considering the period of incarceration undergone by the petitioner, and also considering that the petitioner has 4 previous cases, in all of the cases, he has been released on bail and also considering all other factors, I am inclined to grant bail to the petitioner, subject to 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 Judicial Magistrate, Sriperumbudur, and on further conditions that:-

[a] the petitioner shall report before the Tindivanam Police Station, everyday at 10.30 a.m., until further orders.

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

[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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

20.08.2024

drl

To

- 1.The Judicial Magistrate,
Sriperumbudur.
- 2.The Inspector of Police
Manimangalam Police Station,
Kancheepuram District.n,
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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