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Crl.O.P.No.20108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

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

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1.Vigneshkumar

2.Prasad

... Petitioners

Vs.

The State represented by,
The Inspector of Police
Manimangalam Police Station,
Kancheepuram District.
Crime No.218 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.218 of 2024, on the file
of the respondent police.

For Petitioners : Mr.D.Magesh

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 15.07.2024, for the alleged offence punishable under Sections



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147, 148, 294(b), 324, 506(ii) of IPC r/w Section 3(1) of TNPPDL Act, in Crime No.218 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the defacto complainant regarding taking a person on bail. On 23.06.2024, when the defacto complainant was inside her house with her husband, at that time, the petitioners along with 15 other persons with deadly weapons came to their house, abused them with filthy language, and also attacked the defacto complainant's husband with knife, causing injuries to him and also damaged the house-hold articles, worth about Rs.5 lakhs. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to previous enmity between the petitioners and the defacto complainant, they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and they are in judicial custody for more than 35 days and are ready to abide by any



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conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would contend that due to previous enmity between the petitioners and the defacto complainant, on the date of the incident, the petitioners along with 15 other persons trespassed into the defacto complainant's house, abused them in filthy language and also attacked the defacto complainant's husband with a knife, causing injuries to him and also damaged house-hold articles, worth about Rs.5 lakhs. He further submitted that the injured has been discharged from the hospital. He further submitted that the petitioners have three previous cases, pending against them. 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



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incarceration undergone by the petitioners, and considering the fact that the injured was discharged from the hospital, and also considering that the petitioners are having 3 previous cases, in all of the cases, they have been released on bail and also considering all other factors, I am inclined to grant bail to the petitioners, subject to 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 Judicial Magistrate, Sriperumbudur, and on further conditions that:-

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

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



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Judicial 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].

[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.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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