



Crl.O.P.No.20051 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.20051 of 2024

1.Kalidass

2.Sureshkumar @ Baba Suresh

3.Mariyappan

...Petitioners/Accused - 1 to 3

Vs.

State by  
The Inspector of Police,  
Ennore Police Station,  
Thiruvallore District.  
[Crime No.594 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.594 of 2024 on the file of respondent police.

For Petitioners : Mr.S.Silambuselvan

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



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### **ORDER**

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 22.07.2024 for the offences under Sections 126(2), 296(b), 115(2) and 109 of the BNS, 2023, in Crime No.594 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that, due to previous enmity, a quarrel arose between the petitioners and the defacto complainant. During the said quarrel, the petitioners abused the defacto complainant with filthy language and attacked the defacto complainant. Due to this the defacto complainant was admitted to the hospital. Hence the complaint.

3. Learned counsel for the petitioners/A1 to A3 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 have been in custody since 22.07.2024; that they are law-abiding citizens and that 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) for the respondent



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police objected to granting bail to the petitioners by stating that the petitioners/A1 to A3, had abused the defacto complainant in filthy language and attacked him. He further submitted that there are three accused in this case; that no previous cases are pending against the petitioners; 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 facts that the injured was discharged from the hospital, that no previous cases are pending against the petitioners, and also taking into consideration the period of incarceration undergone by the petitioners/A1 to A3, 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 learned *Judicial Magistrate, Thiruvottiyur*, and on further conditions that:



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**[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.

**20.08.2024**

*dk*

To

1. The Judicial Magistrate,  
Thiruvottiyur

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

3. The Inspector of Police,  
Ennore Police Station,



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Thiruvallore District.

4.The Public Prosecutor,  
High Court of Madras.

**P.DHANABAL, J.**

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