



WEB COPY



CRL O.P. No.20223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20223 of 2024

Kalyan Chakravarthy

... Petitioner / Accused

Vs

State rep. by:-

The Sub Inspector of Police,
Ariyankuppam Police Station,
Pondicherry.

... Respondent

[Cr. No.138 of 2024]

For Petitioner : Mr.G.Ezhilbalaji

For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
Assisted by Mrs.Dhanalakshmi
(Puducherry)

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of
The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the
Petitioner on bail in Crime No. 138 of 2024 on the respondent police.



WEB COPY



CRL O.P. No.20223 of 2024

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 06.07.2024 for the offences punishable under Sections 296, 79 & 351(3) of BNSS, 2023, in Crime No.138 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant's daughter got married and divorced. Thereafter, the petitioner continuously harassing the defacto complainant's daughter. While so, on 20.05.2024, the petitioner went to the office of the defacto complainant's and abused her in filthy language in front of her colleagues and when the office officials obstructed the accused, he abused them in filthy language. Hence, a complaint came to be lodged, as result of which the petitioner was arrested and thereafter, released on bail on 01.06.2024. Again, on 02.06.2024, the petitioner trespassed into the house of the defacto complainant and knocked the door and abused the defacto complainant's daughter in filthy language and assaulted her with hands. Hence, the case.



WEB COPY

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant's daughter got married and they have not separated. He would further submit that it is case of matrimonial dispute has been given a criminal colour. He would further submit that the the petitioner has been in custody for more than 45 days and the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner has trespassed into the house of the defacto complainant and abused her in filthy language and attacked her with hands. He would further submit that the petitioner was already charged with the same offences in another case. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials



available on record.

WEB COPY

6. Considering the relationship between the parties and considering the nature of offence and also taking into consideration the period of incarceration undergone by the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 III, Puducherry**, and on further conditions that:

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

[c] the Petitioner shall not commit any offences of similar nature.

[d] the Petitioner shall not abscond either during investigation or trial.

[e] the Petitioner shall not tamper with evidence or witness either during investigation or trial.



CRL O.P. No.20223 of 2024

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

21.08.2024

ata

To

- 1.The Judicial Magistrate III, Puducherry.
- 2.The Sub Inspector of Police,
Ariyankuppam Police Station,
Pondicherry.
- 3.Kalapet Prison, Puducherry.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.20223 of 2024

P.DHANABAL,J
ata

CRL.OP.No.20223 of 2024

21.08.2024