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Crl.O.P.No.20720 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

MR.JUSTICE N.SESHASAYEE

Crl.O.P.No.20720 of 2024

1.Maruthu Pandi

2.Hariharan

...Petitioners

Vs.

State represented by,
The Inspector of Police
Harur Police Station
Dharmapuri District
(Crime No.378 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No.378 of 2024 on the file of respondent police.

For Petitioners : Mr.J.Pradeep

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

ORDER



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The petitioners herein are arrayed as A1 and A2 in Crime No.378 of 2024, and they have been remanded to judicial custody on 05.08.2024, for the offences punishable under Sections 296(b), 132, 115(2), 351 of BNS read with Section 3 of TNPPDL Act on the file of the respondent police, seek bail.

2. The case of the prosecution is that both the petitioners were consuming liquor near Oonjal Mariamman Kovil, when the police authorities warned the petitioners, they picked up quarrel with them and started to abuse them with filthy language and damaged the right mirror of the mobile vehicle. Hence, the complaint.

3. The learned counsel for the petitioners submitted that they are innocent and they have nothing to do with the alleged offence. He added that the petitioners are in judicial custody from 05.08.2024. He would further submit that the petitioners are ready to deposit a sum of Rs.5000/- each to the credit of crime No.378 of 2024. Hence, he prays grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) submitted that both the petitioners were consuming liquor near Oonjal Mariamman Kovil, when the police authorities warned the petitioners, they picked up quarrel with them and damaged the right mirror of the mobile vehicle. He added that due to the act of the petitioners damaged has caused to the tune of Rs. 10,000/- and also submitted that there is no previous case pending as against the petitioners. Hence, he opposed to granting bail to the petitioners.

5. Taking into account the specific overt act attributed to the petitioners and given the duration of their judicial custody and there is no previous case pending against the petitioners, this Court deems it appropriate to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.5000/- each to the credit of Crime No.378 of 2024, within a period of four weeks from the date on which the order copy made ready, and on



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such deposit, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each, out of which, one should be a blood / relative surety, to the satisfaction of the learned Judicial Magistrate, Harur, and on further conditions that:-

[a] the petitioners and sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the learned Judicial Magistrate, Harur daily at 10.30 a.m., and 5.30 p.m. for a period of 15 days and thereafter, daily at 10.30 am., for a period of 15 days. After one month, the petitioners are also at liberty to move the concerned Sessions Court for further relaxation of conditions, if required.

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

[d] the petitioners shall not abscond either during investigation



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or trial.

[e] 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]**.

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

27.08.2024

dhk

To

1.The Judicial Magistrate
Harur

2.The Sub Jail, Harur

3.The Inspector of Police
Harur Police Station
Dharmapuri District

N. SESHASAYEE, J.



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4.The Public Prosecutor,
High Court of Madras.

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