



WEB COPY



Crl.O.P.No.20880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

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

Crl.O.P.No.20880 of 2024

1.Vignesh

2.Sibi @ Matheshwaran

... Petitioners

Vs.

The State represented by,
The Station House Officer,
Thirukoilur Police Station,
Kallakurichi District.
(Crime No. 374 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, pending investigation of the case in
Crime No. 374 of 2024 on the file of the respondent Police.

For Petitioners : Mr.T.Muthukrishnan

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 02.08.2024, for the alleged offences punishable under Sections



Crl.O.P.No.20880 of 2024

296(b), 121, 132, 351(3) of BNSS and Section 4(1)(j) of TNP Act and Section 185 of Motor Vehicles Act, 1988 in Crime No.374 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that, on 01.08.2024 at about 7.00 p.m, when the defacto complainant was on patrol duty near Government Hospital at Thirukoilur, at that time, the petitioners were came on a two wheeler, in a rash and negligent manner, for that, the defacto complainant asked them to produce the particulars of the vehicle, due to which, the petitioners abused them in filthy language, assaulted them from discharging their duty and also threatened them with dire consequences. Hence the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and 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 25 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.



Crl.O.P.No.20880 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, when the defacto complainant was on vehicle check-up, at that time, the petitioners in a drunken stage came on a two wheeler, the defacto complainant asked them to provide the vehicle details, due to which, there was a wordy quarrel between the petitioners and the defacto complainant, as a result, the petitioners abused them in filthy language and assaulted the defacto complainant from discharging their duty and also threatened them with dire consequences. He further submitted that the petitioners have no previous previous cases, pending against them. Hence, he opposed to grant bail to the petitioners.

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

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioners, and also considering the fact that the petitioners have no previous cases, pending against them, and also



CrI.O.P.No.20880 of 2024

considering all others 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, for a like sum to the satisfaction of the Judicial Magistrate Court, Thirukkoilur, and on further conditions that:-

[a] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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 Judicial Magistrate/Trial Court is entitled to take appropriate action against



Crl.O.P.No.20880 of 2024

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.

29.08.2024

drl

To

- 1.The Judicial Magistrate Court,
Thirukkoilur.
- 2.The Station House Officer,
Thirukoilur Police Station,
Kallakurichi District.
- 3.The Superintendent,
Sub Jail, Thirukkoilur.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.20880 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.20880 of 2024

29.08.2024