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CRL O.P. No.20834 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20834 of 2024

Murugan @ Murugadass

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.

... Respondent

[Cr. No.328 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.328 of 2024, on the file of the respondent.

For Petitioner : Mr.U.Kathiravan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 07.07.2024 for the offences punishable under Section 318(4) of BNS, 2023 @ Section 31 of Domestic Violence Act, 2005, in Crime No.328 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are husband and wife. The defacto complainant obtained a protection order against the petitioner in D.V.C.No.3 of 2021 dated 23.05.2023 by the learned Judicial Magistrate, Thirukoilur, and the said order was exparte. The petitioner had breached the said order and failed to pay any amount to the defacto complainant as ordered by the learned Judicial Magistrate, Thirukoilur. Hence, the complaint came to be registered against the petitioner.

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 there is no previous case against the petitioner and he has not committed any offence as alleged by the prosecution. He would also submit that he has also paid Rs.40,000/- as ordered by the



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Principal District and Sessions Judge, Kallakurichi, to the credit of D.V.C.No.03 of 2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the defacto complainant obtained a protection order against the petitioner in D.V.C.No.3 of 2021 dated 23.05.2023 by the learned Judicial Magistrate, Thirukoilur, and the said order was exparte. The petitioner had breached the said order and not paid any amount to the defacto complainant as ordered by the learned Judicial Magistrate, Thirukoilur. He would further submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering the nature of offence and that there is no previous case pending as against the petitioner, the period of custody undergone by the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[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, Thirukoilur**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on every Monday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[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]; and

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

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To
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- 1.The Judicial Magistrate, Thirukoilur.
- 2.The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
- 3.Sub Jail, Thirukoilur.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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