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CRL O.P. No.21469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21469 of 2024

1.Maheshwaran
2.Kishor

... Petitioners / Accused 1 & 2

Vs

State rep. by
The Inspector of Police,
Kuthalam Police Station.

(Crime No.260 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.260 of 2024, on the file of the respondent.

For Petitioners : Mr.K.Ravichandran

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



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 16.08.2024 for the offences punishable under Sections 296(b), 115(2), 118(1), 121(1), 351(3) of BNS, 2023 @ Sections 296(b), 115(2), 118(1), 121(1), 351(3), 109(1) of BNS, 2023, in Crime No.260 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the defacto complainant is the Inspector of Police. On 15.08.2024, when the defacto complainant was on patrol, at that time, the petitioners parked their vehicles on the middle of the road, the defacto complainant advised them to park their vehicles on the left side of the road and returned back to the police station. Thereafter, the petitioners came to the police station, abused the defacto complainant in filthy language and attacked him in front of the police officials. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that there are no previous cases against the



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petitioners and they were in custody from 16.08.2024. He would also submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners, in a drunken state, parked their vehicles on the middle of the road and caused trouble to the public and on seeing the same, the defacto complainant, who is a Police Inspector advised the petitioners to part their vehicles to the left side of the road and went for his official duty. Thereafter, the petitioners followed the defacto complainant, came to the police station where the defacto complainant is working as Inspector, abused him in filthy language and attacked him in front of the Police Station. He would further submit that there is no previous case as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

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



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6. Considering the nature of offences and that there is no previous cases pending against the petitioners and also taking into consideration the number of days of incarceration undergone by the accused and all other factors, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate 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 **Judicial Magistrate No.1, Mayiladuthurai**, and on further conditions that;

[b] the Petitioners shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioners 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 Petitioners 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 Petitioners shall not abscond either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

03.09.2024

ata

To

- 1.The Judicial Magistrate No.1, Mayiladuthurai.
- 2.The Inspector of Police,
Kuthalam Police Station.
- 3.Sub Jail, Mayiladuthurai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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