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CRL O.P. No.22101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22101 of 2024

Balan,
S/o.Kanthaswami

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Dharapuram Police Station,
Thiruppur District.
[Cr.No.398 of 2001]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.398 of 2001 on the file of the respondent police.

For Petitioner : Mr.T.Shunmugarajeswaran

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 31.07.2024 for the offences punishable under sections 147, 148, 341, 324, 427, 353, 506(ii) of IPC and Section 3(1) of the Prevention of Damage to Public Properties Act, 1984 in Crime No.398 of 2001 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police enquired about the death of Paulraj, the village people of Manakadavu Village were damaged the police vehicle by throwing stones and damaged the property. Hence, the complaint.

3. The learned counsel for the petitioner would contend that totally there are hundred accused, this petitioner was arrayed as 20th accused. Based on the confession statement of co-accused, this petitioner was included as 20th accused. There is no previous case as against the petitioner. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged



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offences and he is ready to abide by any condition imposed by this Court.

Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that when the respondent police enquired about the death of Paulraj, the village people of Manakadavu Village were damaged the police vehicle by throwing stones and damaged the property. In this case, there are totally hundred accused. This petitioner was arrayed as 20th accused. There is no previous case as against this petitioner. In this case, investigation already completed, charge sheet also filed by the respondent police. This petitioner was granted bail and he failed to appear before the trial Court. Hence, the trial Court had issued Non Bailable Warrant, the respondent police executed the warrant and arrested and remanded this petitioner to judicial custody on 31.07.2024. However, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the rival submissions on either side and considering the nature of offence and this petitioner already granted bail and due to his non appearance before the trial Court, NBW was issued against the petitioner and he was arrested and remanded to judicial custody from 31.07.2024, in this case investigation was completed, charge sheet also filed and the case is posted for furnishing copies to the accused and there is no previous case is pending against this petitioner and also considering the period of incarceration undergone by the petitioner, 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 learned **Judicial Magistrate, Dharapuram** and on further conditions that:

[b] the petitioner shall report before the Judicial Magistrate, Dharapuram on every working day at 10.30a.m until further orders;



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[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] 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 or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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].



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

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Judicial Magistrate, Dharapuram.
2. The Inspector of Police,
Dharapuram Police Station,
Thiruppur District.
3. Sub-Jail, Dharapuram, Tirrupur District.
- 4.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J
gvn

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