



CRL O.P. No.22117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22117 of 2024

1.Vadivel

2.Susilkumar

...Petitioners / Accused 7 & 8

Vs

State rep. by
The Sub Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District.

(Crime No.533 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.533 of 2024, on the file of the respondent.

For Petitioners : Mr.G.Vinodhkumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.08.2024 for the offences punishable under Sections 191(2), 191(3), 296(b), 329(4), 351(3) of BNS, 2023, and Section 3(1) of TNPPDL Act, in Crime No.28 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that there was previous enmity between the defacto complainant and the accused in respect of village temple festival. While so, on 22.08.2024 at about 08.30 a.m., there was a wordy quarrel, due to which the petitioners along with the other accused, trespassed into the defacto complainant's house, abused the defacto complainant in filthy language, assaulted him in with weapons and caused injuries and also damaged household articles, home appliances and TATA Ace vehicle and two-wheelers. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged



offence. He would further submit that due to previous enmity, a false complaint has been lodged against the petitioners and the petitioners have no previous cases against them. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent would submit that due to previous enmity with respect to village temple festival, the petitioners along with the other accused, trespassed into the defacto complainant's house, abused him in filthy language, assaulted him with weapons and damaged his household articles, home appliances and TATA Ace van and two-wheeler. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioners. However, she 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 that the petitioners have no previous cases pending against them and that the injured has been discharged from the hospital and also considering that no value of the damaged properties have been mentioned in FIR and also considering the number of days of incarceration undergone by the petitioners, 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, Vaniyambadi**, and on further conditions that;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[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;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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.

11.09.2024

ata

To

- 1.The Judicial Magistrate, Vaniyambadi.
- 2.The Sub Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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