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CRL O.P. No.22254 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22254 of 2024

Kalaiyarasan

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.

(Crime No.113 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 Petitioner on bail in Crime No.113 of 2024, on the file of the respondent.

For Petitioner : Mr.M.Selvam

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 29.08.2024 for the offences punishable under Sections 296(B), 115(2), 140(3), 127(7), 140(4), 351(2) of BNS, 2023, in Crime No.113 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that there was property dispute between the accused and the defacto complainant. While so, on 13.08.2024 at about 11.08 am., when the defacto complainant was sitting near a mechanic shop, the petitioner along with the other accused came there and assaulted the defacto complainant and abducted him in a car bearing Regn.No.TN-14-5038 and caused criminal intimidation and taken him to remote place at Thiruvannamalai and snatched his mobile phone. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence. He would further submit that there was property dispute between the petitioner and the defacto complainant and a civil suit in O.S.Nos.493



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and 495 of 2023 are also pending before the Sub Court, Harur. He would further submit that the petitioner has been in custody from 29.08.2024 and the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to previous enmity in respect of joint family property dispute between the accused and the defacto complainant, the petitioner along with the other accused, abused the defacto complainant in filthy language, assaulted him with dire consequences and caused injuries and also snatched his mobile phone. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he raised serious objections to grant bail to the petitioner.

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 was a property dispute between the parties and also considering that the injured has been discharged from the hospital and that no previous case is pending against the petitioner and also taking into consideration the number of days 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 **Judicial Magistrate, Harur**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days 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



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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.

10.09.2024

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To

- 1.The Judicial Magistrate, Harur.
- 2.The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
- 3.Sub Jail, Harur.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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