



CRL O.P. No.22446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22446 of 2024

P.Dhanaraj @ Dhanasekar

... Petitioner / Accused - 4

Vs

State rep. by
The Inspector of Police,
Pallapatty Police Station,
Salem District.

(Crime No.877 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.877 of 2024, on the file of the respondent.

For Petitioner : Mr.R.Chakkaravarthy

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 21.08.2024 for the offences punishable under Sections 296(b), 115(2), 118(1), 140(2), 127(2), 309(6) and 351(3) of BNS, 2023, in Crime No.877 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as ECG Analyser in Health Watch Teny Tech., Company at Salem and in the said Company, one, Sasvarthini is also working. While so, A1 fell in love with the said girl and A1 thought that the defacto complainant also involved in love affairs with the said girl. Consequently, the petitioner along with the other accused abducted the defacto complainant to Chennai and assaulted him indiscriminately and thereafter, the accused took the defacto complainant to Salem. Hence, the case.

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 the injured has been discharged from the



hospital. He would further submit that the petitioner has been in judicial custody from 21.08.2024 and there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any stringent 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 A1 and one, Sasvarthini are working in the same Office. A1 thought that the defacto complainant also involved in love affairs with the said girl. Consequently, the petitioner along with the other accused abducted the defacto complainant to Chennai, abused him in filthy language, threatened him, assaulted him and caused injuries and thereafter, the accused took the defacto complainant to Salem. 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 charged against the petitioner and that the injured has been discharged from the hospital and also considering that no previous case is pending against the petitioner and that 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 – II, Salem**, and on further conditions that;

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

[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



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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.

12.09.2024

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To

- 1.The Judicial Magistrate – II, Salem.
- 2.The Inspector of Police,
Pallapatty Police Station,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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