



Crl.O.P.No.22404 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22404 of 2024

Prabhakaran

...Petitioner/1st Accused

Vs.

The State represented by
Inspector of Police,
Eriyur Police Station
Dharmapuri District.
(Crime No.118 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.118 of 2024 on the file of respondent police.

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 19.08.2024 for the offence under Section 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of B.N.S Act, 2023 and Section 4 of T.N. Prohibition of Harassment of Women Act, 2002 @ 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) and 109(2) of B.N.S. Act, 2023 and Section 4 of T.N. Prohibition of Harassment of Women Act, 2002 in Crime No.118 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a common pathway dispute, a quarrel arose between the petitioner and the defacto complainant. Due to which, the petitioner, along with other accused, abused the defacto complainant and his wife in filthy language, and assaulted the defacto complainant with stones. Due to this, the defacto complainant sustained injuries and was admitted to the hospital. Hence the complaint.



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3.(a) Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 19.08.2024; that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

(b) The learned counsel for the petitioner/A1 also brought to the knowledge of this Court that the offence under Section 109(2) of the B.N.S. Act, 2023 was wrongly mentioned as 190(2) of the B.N.S. Act, 2023.

4. Learned Government Advocate (Crl.Side) submitted that due to the common pathway dispute, a quarrel arose between the petitioner and the defacto complainant. Due to which, the petitioner, along with other accused, abused the defacto complainant and his wife in filthy language, and assaulted the defacto complainant with stones. Due to this, the defacto complainant sustained injuries and was admitted to the hospital.



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He further submitted that there are eight accused in this case, the petitioner is arrayed as A1; that there are no previous cases pending against the petitioner; and that the injured was also discharged from the hospital. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences, the fact that the injured was discharged from the hospital, there was a dispute between the parties in respect of the common pathway, there are no previous cases pending against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned *Judicial Magistrate Court, Pennagaram, Dharmapuri District* and on further conditions that:

[a] the petitioner shall report before the respondent police on every Saturday for a period of four weeks and thereafter, as and when required for the interrogation;

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

[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 or tamper with the evidence;

[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 been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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 Court,
Pennagaram,
Dharmapuri District.

2.The District Jail,
Dharmapuri

3.The Inspector of Police,
Eriyur Police Station
Dharmapuri District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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