



CRL O.P. No.22535 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.22535 of 2024

1.Hariharan @ Hari
2.Dharshan
3.Ranjan

... Petitioners / Accused 1 -3

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 Petitioners on bail in Crime No.877 of 2024, on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



WEB COPY



CRL O.P. No.22535 of 2024

ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.08.2024 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, seek 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 petitioners 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 petitioners would submit that the petitioners are innocent and they have been falsely implicated in this



CRL O.P. No.22535 of 2024

case. He would further submit that the injured has been discharged from the hospital. He would further submit that the petitioners have been in judicial custody from 22.08.2024 and there is no previous case against the petitioners. 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 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 petitioners 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 petitioners. However, he raised serious objections to grant bail to the petitioners.



5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioners and that the injured has been discharged from the hospital and also considering that no previous case is pending against the petitioners and that 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 – II, Salem**, 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;



CRL O.P. No.22535 of 2024

[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 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.

12.09.2024

ata

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.



WEB COPY



CRL O.P. No.22535 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.22535 of 2024

12.09.2024