



Crl.O.P.No.22983 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22983 of 2024

Elangeshwaran

...Petitioner/Accused

Vs.

The State of Tamil Nadu
Rep by Inspector of Police,
Kitchipalayam Police Station
Salem city

...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.400 of 2024 on the file of respondent police.

For Petitioner : Mr.U. Gowrishankar
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



CrI.O.P.No.22983 of 2024

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ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 12.08.2024 for the offences under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS 2023 r/w Section 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.400 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner/A3 along with other accused abused the defacto complainant in filthy language and assaulted him with stones, hands, and legs. Hence the case.

3. Learned counsel for the petitioner/A3 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 also submitted that the co-accused in this case was already granted by the trial Court. He further submitted that the petitioner has been in custody since 12.08.2024; that the petitioner is a law-abiding



Crl.O.P.No.22983 of 2024

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.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner/A3 along with other accused threatened the defacto complainant to execute a document of his shop in favour of the accused and abused the defacto complainant in filthy language and assaulted him with stones, hands, and legs. He further submitted that there is one previous case pending against the petitioner, which is an IPC offence. 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 charged against the petitioner, that there is no previous case pending against the petitioner for the similar kind of offence, that already the co-accused was granted bail by the trial Court 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:



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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 only)** with two sureties, each for a like sum to the satisfaction of the learned ***Judicial Magistrate -2, Salem*** and on further conditions that:

[a] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of thirty (30) days 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



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CrI.O.P.No.22983 of 2024

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.

19.09.2024

dk

To

- 1.The Judicial Magistrate -2.
Salem
- 2.The Inspector of Police,
Kitchipalayam Police Station
Salem city
- 3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.22983 of 2024

P.DHANABAL, J.

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Crl.O.P.No. 22983 of 2024

19.09.2024