



WEB COPY



CRL O.P. No.23389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23389 of 2024

P.Saravanan,
S/o.Periyannan

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Salem Town Police Station,
Salem.
[Cr.No.309 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.309 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.M.Amutha Ganesh

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



CRL O.P. No.23389 of 2024

ORDER

WEB COPY

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.08.2024 for the offences punishable under sections 296(b), 115(2), 329(3), 85, 351(3) of BNS and Section 4 of the Prohibition of Harassment of Women Act, 2002 in Crime No.309 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto-complainant are the husband and wife. On 17.08.2024, the petitioner abused the defacto-complainant in filthy words and assaulted her with hands and legs and taken away the 1/2 sovereign of Thali from her. Hence, the complaint.

3. The learned counsel for the petitioner would contend that this petitioner not at all connected or involved in the said offence. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.



CRL O.P. No.23389 of 2024

4. The learned Government Advocate (Criminal Side) would submit that the petitioner and the defacto-complainant are the husband and wife. Due to misunderstanding, the petitioner abused the defacto-complainant in filthy words and assaulted her. There are some previous cases pending against the petitioner, in all those cases, he was released on bail. This petitioner was arrested and remanded to judicial custody on 19.08.2024. However, the learned Government Advocate (Criminal Side) is strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the nature allegations levelled against the petitioner and the nature of offence and there is family dispute pending between the petitioner and the defacto-complainant and there are some previous cases pending against the petitioner, in all those cases, the petitioner was arrested and subsequently released on bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL O.P. No.23389 of 2024

[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 learned **Judicial Magistrate, Additional Mahila Court, Salem** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00a.m. for the period of 30 days;

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

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] 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;



CRL O.P. No.23389 of 2024

WEB COPY

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn



WEB COPY



CRL O.P. No.23389 of 2024

P.DHANABAL,J

gvn

To

1.The Judicial Magistrate, Additional Mahila Court,
Salem.

2. The Inspector of Police,
Salem Town Police Station,
Salem.

3. Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.23389 of 2024

24.09.2024