



WEB COPY



Crl.O.P.No.23809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.23809 of 2024

1. Vallarasu

2. Vanjinadhan

... Petitioners

Vs.

The State represented by,
Inspector of Police,
C-5 Ooragadam Police Station,
Kancheepuram District.
(Crime No. 550 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 550 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.P. Muthamizhselvakumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 02.09.2024, for the alleged offence punishable under Sections



Crl.O.P.No.23809 of 2024

309(4), 311 of BNS-2023 , in Crime No.550 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners waylaid the defacto complainant and demanded to pay rowdy mamool through G pay and the same was refused by the defacto complainant. This led to a quarrel between them and thereafter, the quarrel escalated into violence. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submitted that the petitioners were arrested and they are in judicial custody from 02.09.2024 and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners waylaid the defacto complainant at knife point and demanded money from him and attacked the



CrI.O.P.No.23809 of 2024

him and caused injuries to him and there is no previous case pending against the petitioners. Hence, he opposed to grant bail to the petitioners.

5. When the matter is taken up for hearing the defacto complainant appeared before this Court and submitted that the petitioners are his neighbours and he has not given any complainant against the petitioners and only at the instructions of the investigation officer he has signed in the papers, that apart he was not aware of the fact that case has been registered against the petitioners. He has also filed an affidavit to that effect.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the submissions made by the learned counsel on either side, nature of offence and considering the period of incarceration undergone by the petitioners, there is no previous case pending against the petitioners and the submissions made by the defacto complainant that **he has not given any complainant against the petitioners and only at the**



Crl.O.P.No.23809 of 2024

instructions of the investigation officer he has signed in the papers and also taking note of the affidavit filed by him, I am inclined to grant bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the Judicial Magistrate Court, Sriperumbudur, and on further conditions that:-

[a] the petitioners shall report before the concerned Jurisdictional Magistrate, on every monday at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioners shall not abscond either during investigation or



CrI.O.P.No.23809 of 2024

trial;

[e] 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

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

26.09.2024

smn

To

- 1.The Judicial Magistrate Court, Sriperumbudur
2. Inspector of Police,
C-5 Ooragadam Police Station,
Kancheepuram District.
- 3.The Superintendent,
Central Prison-II, Puzhal
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23809 of 2024

P.DHANABAL, J.

smn

Crl.O.P.No.23809 of 2024

26.09.2024