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Crl.O.P.No.23785 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

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

Crl.O.P.No.23785 of 2024

Sundararajan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vaazhapadi Police Station,
Salem District.
(Crime No. 305 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.305 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 12.08.2024, for the alleged offence punishable under Sections 329(4),



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296(b) 109(1) of BNS, in Crime No.305 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a matrimonial dispute, on 11.08.2024 at 11.30 p.m., while the defacto complainant, her mother and daughter were in the house, the petitioner along with other accused trespassed into the defacto complainant's house and assaulted defacto complainant and mother-in-law with an iron rod, thereby they suffered serious injuries and admitted to the hospital. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to family dispute, he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the defacto complainant has filed divorce petition and the same is pending. He further submits that the petitioner was arrested and is in judicial custody from 12.08.2024 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are two accused in this case and the petitioner is arrayed as A1. He further submits that due to matrimonial dispute, regarding the child's custody, on the date of the alleged occurrence, the petitioner along with other accused persons entered into the house of the defacto complainant, assaulted the defacto complainant and her mother with an iron rod, causing injuries to them. He further submits that the injured were discharged from the hospital. He further submits that the petitioner has no previous case, pending against him. However, he opposed to grant bail to the petitioner.

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

6. Considering the nature of offence, considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case pending against him, injured were discharged from the hospital, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 District Munsif cum Judicial Magistrate, Vaazhapadi, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



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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

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

15.10.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Vaazhapadi.
- 2.The Inspector of Police,
Vaazhapadi Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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