



Crl.O.P.No.25621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25621 of 2024

1. Sarathi

2. Ezhumalai

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
Vridhachalam Police Station
Cuddalore District.
(Crime No.427 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No. 427 of 2024 on the file of the respondent.

For Petitioners : Mr. V.Ramanareddy

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.08.2024 and 14.08.2024 respectively, for the offences under Sections 109, 115(2), 118(1), 126(2), 191(2), 191(3), 296(b), 351(3) of BNS read with Section 3 of TNPPDL Act and Section 4 of TNPWH Act in Crime No.427 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, due to a property dispute, when the defacto complainant and his parents were travelling in a bike, the petitioners, along with other accused, intercepted the defacto complainant and his parents, abused them with filthy language, and attacked them with a knife, iron rod, spear and hammer. Due to which, they sustained grievous injuries and were admitted to the hospital. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioners



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are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Criminal Side) for the respondent police submitted that there are seventeen accused in this case; that the petitioners are arrayed A9 and A16; and that, due to a property dispute, when the defacto complainant and his parents were travelling in a bike, the petitioners, along with other accused, intercepted the defacto complainant and his parents, abused them with filthy language, and attacked them with a knife, iron rod, spear and hammer, due to which they sustained grievous injuries and were admitted to the hospital. He further submitted that the injured persons are discharged from the hospital. Hence, he vehemently opposed the grant of bail to the petitioners.

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



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6. Considering the rival submissions on either side, the fact that the injured has been discharged from the hospital and also the fact that there are no previous case against the petitioners, and also considering the offences charged against the petitioners and also taking into consideration the period of incarceration undergone by the petitioners from 12.08.2024 and 14.08.2024 respectively, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. 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, each for a like sum to the satisfaction of the learned *Judicial Magistrate No.I, Vridhachalam*, and on further conditions that:

[b] the petitioners shall report before Cuddalore OT Police Station, daily at 10.30 a.m., until further orders;

[c] The petitioners shall attend in accordance with the conditions



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of the bond;

[d] The petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[e] The petitioners shall not abscond either during investigation or trial;

[f] 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 them from disclosing such facts to the court or to any police officer or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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vsg

To

1.Judicial Magistrate No.I, Vridhachalam.

2.Central Prison, Cuddalore.

3.The Inspector of Police,
Vridhachalam Police Station
Cuddalore District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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