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CRL O.P. No.24842 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24842 of 2024

Nagarajan @ Musual Nagaraj

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Vellore North L&O Police Station,
Vellore District.

(Crime No.413 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.413 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Thangavel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2024, for the offences punishable under Sections 296(b), 308(5)



and 351(3) of BNS, 2023, and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.413 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner has entered a wordy quarrel with the defacto complainant, assaulted the defacto complainant, snatched Rs.1000/- and threatened the defacto complainant that if the same was disclosed to any other, the defacto complainant's life will be in danger. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the alleged offence. He would further submit that the petitioner has been in custody from 06.09.2024. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that due to money dispute, the petitioner has picked up quarrel with the



defacto complainant, abused him in filthy language, assaulted him and snatched Rs.1000/- and also threatened him with dire consequences. He would further submit that there are 14 previous cases against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5.Heard both side learned counsel and perused the materials available on record.

6.Considering the nature of offences charged against the petitioner and the money involved in this case, considering the number of days of incarceration undergone by the petitioner and that though the petitioner is having some previous cases, he was granted bail in all the cases, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[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 **Judicial Magistrate (Additional Mahila Court) Vellore**, and on further conditions that;

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



[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;

[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 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.

15.10.2024

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To

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- 1.The Judicial Magistrate (Additional Mahila Court), Vellore.
- 2.Central Prison, Thorapadi, Vellore.
- 3.The Inspector of Police,
Vellore North L&O Police Station,
Vellore District.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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