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CRL O.P. No.24922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.24922 of 2024

Bharath S/o. Perumal

... Petitioner /Accused

Vs

State rep. by:-

The Inspector of Police,
Periyapalayam Police Station,
Tiruvallur.

... Respondent

[Cr. No.386 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.386 of 2024 on the file of the respondent police.

For Petitioner : Mr. A. Vinoth Kumar

For Respondent : Mr.S. Vinoth Kumar

Government Advocate [Criminal side]

ORDER

The petitioner / Accused, who was arrested through P.T. warrant and remanded to judicial custody on 21.08.2024 for the offences punishable under Sections 329(4), 296(b), 109, 351(3) of B.N.S. and



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Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Cr.

No.386 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2024, the petitioner entered into the defacto complainant's house at 8.30 a.m., and abused the daughter of the defacto complainant using filthy language, with whom he had love affair during the college days, attacked her using knife and sustained grievous injuries to her. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case, that he has not committed any offence as alleged by the prosecution, that already there is dispute between the parties in respect of love affair between the petitioner and the daughter of the defacto complainant, that he was arrested and remanded to judicial custody on 21.08.2024 and the injured was discharged from the hospital and he has no other previous case pending against him. Hence, he prayed that the petitioner may be released on bail.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner gave love torture to the daughter of the defacto complainant, thereby, they warned the petitioner and due to that, the petitioner went to the house of the victim and assaulted her using knife and caused more than 16 injuries and thereafter, the victim was admitted in the hospital and now she was discharged from the hospital. Investigation is at initial stage and hence he 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, considering the nature of offences charged against the petitioner, considering the fact that there is already dispute between the parties with respect to the love affair between the petitioner and the victim, that the injured victim was discharged from the hospital, that there is no previous case pending against the petitioner and also considering the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner subject to the



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following conditions:

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[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 **District Magistrate cum Judicial Magistrate Court No.II, Uthukottai, Tiruvallur** and on further conditions that:

[b] the petitioner shall report before the concerned jurisdictional Magistrate Court on all working days at 10.30 a.m. until further orders.

[c] 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;

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



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[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;

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

- 1.The District Magistrate cum Judicial Magistrate Court No.II, Uthukottai, Tiruvallur.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, Periyapalayam Police Station, Tiruvallur.
4. The Superintendent of Police, Central Prison-II, Puzhal, Chennai.

P.DHANABAL,J
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