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Crl.O.P.No.25481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

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

Crl.O.P.No.25481 of 2024

Ellappan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.
(Crime No. 82 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.82 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.V.Sakkarapani

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.09.2024, for the alleged offence punishable under Sections 296(b),



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118(1), 351(3) of BNS and Section 25(1A) r/w 2(c) of Arms Act, 1959 in Crime No.82 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.09.2024 at about 6.45 p.m, while the defacto complainant was discussing with others regarding the irregularity of water supply to their houses, at that time, the petitioner in a drunken mood abused the defacto complainant with filthy language, assaulted the defacto complainant's father, and also threatened them with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the



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petitioner in a drunken mood, abused the defacto complainant with filthy language, assaulted the defacto complainant's father and also threatened them with dire consequences. He further submits that nobody was injured in this case. 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, the petitioner has no previous case, pending against him, considering the period of incarceration undergone by the petitioner, and taking note of the fact that nobody was injured in this case, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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 Judicial Magistrate, Pennagaram, and on further conditions that:-



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[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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 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



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

19.10.2024

drl

To

- 1.The Judicial Magistrate,
Pennagaram.
- 2.The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.
- 3.The Superintendent,
District Prison, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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