



CRL O.P. No.25151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25151 of 2024

E.Paramasivam

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
G-2, Uthiramerur Police Station,
Kanchipuram District.

(Crime No.395 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.395 of 2024, on the file of the respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj

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



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ORDER

The petitioner / A1, who was arrested and remanded to judicial custody on 24.09.2024 for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS and Section 3(1) TNPPDL Act, Section 5 of TNPHW Act in Crime No.395 of 2024 on the file of the respondent, seeks bail.

2.The case of the prosecution is that due to property dispute between the petitioner and the defacto complainant, the petitioner along with other accused abused and attacked the defacto complainant and his family members and had also damaged the household articles. 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 there is a counter complaint given by the petitioner against the defacto complainant which has been registered as Crime No.396 of 2024 and the petitioner has been in custody for more



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than 20 days and 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) for the respondent would submit that due to property dispute between the petitioner and the defacto complainant, the petitioner along with other accused abused and attacked the defacto complainant and his family members and had also damaged the household articles worth about Rs.10,000/-. He would further submit that the injured had been discharged from the hospital. However, 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 representation made by both side learned counsels and also considering that there was a property dispute between the parties and also considering the fact that the injured had been discharged from the hospital, no previous case pending against the



petitioner, there is a case in counter and also taking into consideration the number of days of incarceration undergone by the petitioner, 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, Uthiramerur**, and on further conditions that;

[b] the Petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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14.10.2024

smv

To

- 1.The Judicial Magistrate, Uthiramerur.
- 2.The Inspector of Police,
G-2, Uthiramerur Police Station,
Kanchipuram District.
- 3.Sub Jail, Kancheepuram
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

smv

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