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Crl.O.P.No.25541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

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

Crl.O.P.No.25541 of 2024

Narayanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sooramangalam Police Station,
Salem City.
(Crime No.1285 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.1285 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.J. Franklin

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

For Intervener : Mr.Prashanth Nataraj



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.09.2024, for the alleged offence punishable under Sections 326(g) of BNS Act, 2023 in Crime No.1285 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the daughter of the petitioner. Due to a property dispute, there was a wordy quarrel between the petitioner and the defacto complainant during which, on 18.09.2024 at about 10.30 p.m, the father of the defacto complainant set fire to the house property of the defacto complainant, causing damages worth about Rs.50,000/-. 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 would 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, due to a property dispute, there was a wordy quarrel between the petitioner and the defacto complainant, for which, the father of the defacto complainant set fire to her house property, causing damages worth about Rs.50,000/-. He further submits that no one was injured. He further submitted that the petitioner has no previous case, pending against him. Hence, he opposed to grant bail to the petitioner.

5. Mr.Prashanth Nataraj, the learned counsel for the intervenor represented that he is going to file an application to intervene in the petition. Since it is not been filed, it is rejected.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the nature of offence, considering the relationship between the petitioner and the defacto complainant, considering the period of incarceration undergone by the petitioner, the petitioner has no previous case,



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pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

8. 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 learned Judicial Magistrate II, Salem and on further conditions that:-

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

[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



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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

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

18.10.2024

drl

To

- 1.The Judicial Magistrate No.II, Salem
- 2.The Inspector of Police,
Sooramangalam Police Station,
Salem City
- 3.The Superintendent,
Central Prison, Salem
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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