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Crl.O.P.No.26084 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26084 of 2024

1. Kandhasamy @ Perumal

2. Murugan

...Petitioners

Vs.

The State rep by
The Inspector of Police
Perumbalai Police Station,
Dharmapuri District
(Crime No.145 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.145 of 2024 on the file of respondent police.

For Petitioners : Mr.S. Sasi Kumar

For Respondent : Mr.S.Vinothkumar

Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.10.2024 for the offences under Sections 191(2), 296(b), 115(2) and 351(2) of BNS and Section 3(1) and 4 of Prevention of Damage to Public Property Act, 1984 in crime No.145 of 2024 on the file of the respondent police, seeks bail.

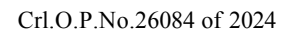


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2. The case of the prosecution is that petitioners and the defacto complainant belongs to two different political party, due to which there the petitioners and other accused have unlawfully assembled and abused the complainant with unparliamentary language. It is alleged that the accused broken the shutter door of complainant's shop and caused damages to the tune of Rs.5,000/-. Hence, the respondent police has registered a case against the petitioners.

3..Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and is in judicial custody from 06.10.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioners by stating that due to political dispute the accused along with other accused broken the shutter door of complainant's shop and caused damages to the tune of Rs.5,000/-. He further submitted that investigation was completed and there is no previous case pending



5. Heard both sides and perused the materials available on record.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pennagaram, Dharmapuri District and on further conditions that:

[b] the petitioners shall attend in accordance with the conditions of the bond;



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[c] the Petitioners 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 Petitioners 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;

[e] the Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

22.10.2024

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To



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1.The Judicial Magistrate, Pennagaram, Dharmapuri District.

2.The Superintendent, District Prison, Dharmapuri

3.The Inspector of Police
Perumbalai Police Station,
Dharmapuri District

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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