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Crl.O.P.No.26222 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.26222 of 2024

Thangavel

...Petitioner

Vs.

The State rep by
The Sub-Inspector of Police
Hogenakkal Police Station,
Dharmapuri District
(Crime No.76 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.76 of 2024 on the file of respondent police.

For Petitioner : Mr.S. Thankira

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.09.2024 for the offences under Sections 111(1) r/w 111(2)(b)(3)(4)(6), 191(2), 191(3), 329(1), 118(1), 296(b), 351(3) of the BNS in Crime No.76 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to property dispute, the petitioner along with other accused trespassed into the property of the defacto complainant, attacked him with iron rod and caused injuries to him. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 01.09.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail and **co-accused in this case has been granted bail** ; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner stating that the petitioner along with other accused trespassed into the property of the defacto complainant, attacked him with iron rod and caused injuries to him. He further submitted that the injured discharged from the Hospital and there are 14 previous cases pending against the petitioner.

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

6.Considering the representation made on both sides, nature of offence charged against the petitioner, the injured was discharged from the hospital, though the petitioner has some previous cases, in those cases, bail was granted to the petitioner, co-accused in this case has been granted bail, taking into consideration the period of incarceration undergone by the petitioner and also considering all others factors, this Court is inclined to grant bail to the petitioner with certain conditions:



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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 **learned Judicial Magistrate at Pennagaram** and on further conditions that:

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

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

[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 or tamper with the evidence;

[e] the Petitioner shall not abscond either during investigation or trial;



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[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]; and

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

22.10.2024

smn

To

1.The **Judicial Magistrate at Pennagaram**

2.The Central Prison,**Salem**

3.The Sub-Inspector of Police
Hogenakkal Police Station,
Dharmapuri District

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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