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Crl.O.P.No.26269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

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

Crl.O.P.No.26269 of 2024

1.Krishnamoorthi

2.Prema

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
(Crime No. 519 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No.519 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.V.Parthiban

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 01.10.2024, for the alleged offences punishable under Sections 296(b), 115(2), 118(1), 109(1) and 351(3) of BNS, 2023 in Crime No.519 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.10.2024 at about 12.00 p.m, due to previous enmity, there was a property dispute regarding ploughing the land between the petitioners and the defacto complainant, for which, the petitioners abused the defacto complainant with filthy language, attacked him with wooden log, causing injuries to him, and was admitted to the hospital, later he discharged. Hence the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submits that the petitioners were arrested and are in judicial custody for more than 20 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that on the date of the alleged occurrence, due to previous enmity there was a property dispute regarding ploughing the land between the petitioners and the defacto complainant, during which, the petitioners abused him with filthy language and also attacked him with wooden log, causing injuries to him. He further submits that the injured was discharged from the hospital. He further submits that the petitioners have no previous cases, pending against them. However, he opposed to grant bail to the petitioners.

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

6. Considering the nature of offence, there is a property dispute between the petitioners and the defacto complainant, injured was discharged from the hospital, considering the period of incarceration undergone by the petitioners from 01.10.2024, and the petitioners have no previous cases, pending against them, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.II, Ulundurpet, Kallakurichi District, and on further conditions that:-

[a] the petitioners 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 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;

[c] 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;

[d] the Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed



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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

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

23.10.2024

drl

To

- 1.The Judicial Magistrate No.II,
Ulundurpet, Kallakurichi District.
- 2.The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Superintendent,
Central Prison (Woman Prison), Cuddalore.
- 5.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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