



Crl.O.P.No.28484 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28484 of 2024

1. Tamilarasan

2. Ganesah

3. Suriyaprasanth

4. Aaroon Babu

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Dharapuram Police Station.
Tiruppur District.

(Crime No.552 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.552 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Shunmugarajeswaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 20.09.2024, seeking bail in Crime No.552 of 2024 registered for the offence under Sections 191(2), 329(4), 115(2), 118(1), 324(2), 325, 303(2), 351(3), 296(b) of BNS.

2. The case of the prosecution is that due to the dispute with regard to the illicit relationship of the de facto complainant's cousin viz., Umamaheswari with the first accused, the first accused along with his friends had trespassed into the house of the de facto complainant, abused the de facto complainant and his family members in filthy language and by intimidating them with dire consequences, committed theft of a sum of Rs.6000/-. Further, the accused had damaged the de facto complainant's bike and also pelted stones on the de facto complainant and his family members, due to which, some of his family members sustained injuries. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this



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case, since they happened to be the friends of A1. He further submitted that the petitioners are suffering incarceration from 20.09.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that due to previous enmity, the petitioners, who are arrayed as A3, A4, A5 and A7 respectively, along with other accused, trespassed into the house of the de facto complainant, rioted with him and his family members and also damaged his bike. He further submitted that several previous cases are pending against each of the petitioner and if they are released on bail, there is every possibility of them absconding and would threaten the de facto complainant and his family members.

5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Dharapuram**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall stay at Tindivanam and report before the Inspector of Police, Tindivanam Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond during either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness during either during investigation or



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trial;

[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

14.11.2024

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To

1. The Judicial Magistrate,
Dharapuram.
2. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Inspector of Police,
Tindivanam Town Police Station,
Tindivanam.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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