



WEB COPY



Crl.O.P.No.28518 of 2024

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.28518 of 2024

Sakthivel

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Nangavalli Police Station,
Salem District.

(Crime No.135 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act,
pleaded to enlarge the petitioner on bail in Crime No.135 of 2024 on the file
of the respondent police.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 20.07.2024, seeking
bail in Crime No.135 of 2024 registered for the offence under Sections
329(1), 296(b), 351(3), 75(2), 78(1) and 79 and Section 4 of TNPHW Act,
2002.



Crl.O.P.No.28518 of 2024

2. The case of the prosecution is that on 19.07.2024 at about 3.45 p.m., when the defacto complainant was waiting for boarding the bus at Kullanur Bus Stop, the petitioner along with the other accused misbehaved with her and when the bus was stopped the accused ran away. Thereafter, on the same day at 8.15 p.m., the accused, trespassed into the defacto complainant's house, abused her in filthy language and threatened her with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given against him. He further submitted that the petitioner has been in custody since 20.07.2024. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner along with the other accused misbehaved with the defacto complainant and when the bus was stopped the accused ran



Crl.O.P.No.28518 of 2024

away. Thereafter, on the same day at 8.15 p.m., the accused, trespassed into the defacto complainant's house, abused her in filthy language and threatened her by breaking beer bottles.

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

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

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate Court No.2, Salem**, 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



Crl.O.P.No.28518 of 2024

Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Krishnagiri and report before the Krishnagiri Town Police Station daily at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

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

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

14.11.2024

ata



Crl.O.P.No.28518 of 2024

WEB COPY

To

1. The Judicial Magistrate Court No.2, Salem.
- 2.The Inspector of Police,
Nangavalli Police Station,
Salem District.
- 3.The Inspector of Police, Krishnagiri Town Police Station, Krishnagiri.
- 4.The Superintendent of Police, Central Prison, Salem.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28518 of 2024

A.D.JAGADISH CHANDIRA.,J.

ata

Crl.O.P.No.28518 of 2024



WEB COPY



Crl.O.P.No.28518 of 2024

14.11.2024