



Crl.O.P.No.29123 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.No.29123 of 2024

Thirulogasundari

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10 MGR Nagar Police Station
(Crime No.438 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.438 of 2024 dated 07.11.2024 pending on the file of the respondent police.

For Petitioner : Mr.K.Vignesh

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 petitioner/Accused, who was arrested and remanded to judicial custody on 07.11.2024, seeking bail in Crime No.438 of 2024 registered for the offence under Sections 126(2), 296(b), 118(1), 76 and 351(3) of BNS Act.

2. The case of the prosecution is that the petitioner abused the defacto complainant, her own mother and caused injuries to her and also snatched her mobile phone. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the defacto complainant is none other than the mother of the petitioner and that it is a case of family dispute, which has been exaggerated and a false complaint has been given against her. Hence, he prayed for grant of bail to the petitioner, who is in custody from 07.11.2024, stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner, on account of a property dispute, had abused the defacto complainant, her own mother and caused injuries to her and also snatched her mobile phone. He further submitted that it is not the first case of the petitioner as earlier she had assaulted her mother and a case was also registered. However, the learned Magistrate concerned refused to remand the petitioner stating that it is a case of family dispute. Hence, he vehemently opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XXIII Metropolitan Magistrate, Saidapet**, 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 petitioner shall stay at Nagapattinam and report before the Nagapattinam Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police every Saturday at 10.30 a.m., until further orders;

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

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



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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 of B.N.S.

21.11.2024

Anu

To

1. The XXIII Metropolitan Magistrate,
Saidapet.
2. The State represented by,
The Inspector of Police,
R-10 MGR Nagar Police Station
3. The Superintendent,
Puzhal Prison-II.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

Anu

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