



Crl.O.P.No.28875 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

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

Crl.O.P.No.28875 of 2024

1. Nijanthan

2. Karthiban @ Karthi

3. Silambu

4. Premkumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.

(Crime No.189 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.189 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.B.Sundarapandiyan

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/A2 to A5, who were arrested and remanded to judicial custody on 02.11.2024, seeking bail in Crime No.189 of 2024 registered for the offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3), 74, 324(4) and 324(5) of BNS r/w Section 3 of the TN Public Property (Prevention of Damage & Loss) Act.

2. The case of the prosecution is that since the de facto complainant had questioned the accused for threatening his client, the accused had abused and assaulted the de facto complainant causing injuries and they have also damaged the de facto complainant's car. 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 case. He also submitted that the fact remains is that only the de facto complainant had initiated the quarrel, during such time, abused and assaulted the petitioners and A1, who is the father of petitioners 1 & 2 and for which, A1 had also lodged a complaint before the respondent Police and the same



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was registered in Crime No.190 of 2024. He further submitted that the petitioners are in custody from 02.11.2024 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 opposing for grant of bail to the petitioners, submitted that it is a case and a case in counter. He further submitted that during the quarrel, both the parties had assaulted each other causing injuries and damaged the properties. He also submitted that the injured have been discharged from the hospital and there is no previous case against these petitioners.

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.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also



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considering that it is a case and a case in counter and further, the injured persons have been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.

10. 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 **District Munsif cum Judicial Magistrate, Neyveli**, 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 report before the respondent Police, everyday at 06.30 p.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

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

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

[e] On breach of any of the aforesaid conditions,



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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 of B.N.S.

19.11.2024

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To

1. The District Munsif cum Judicial Magistrate ,
Neyveli.
2. The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.
3. The Superintendent,
Sub Jail,
Panruti, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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