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Crl.O.P.No.29064 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.29064 of 2024

Thamizhselvan

... Petitioner

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 petitioner on bail, in connection with the Crime No.189 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Ms.M.Janani

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/A3, who was 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 petitioner along with the other accused persons 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 petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 02.11.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, 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 petitioner.

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 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 petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on he 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 **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 petitioner 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 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 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



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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.

21.11.2024

Anu

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.

Anu

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