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CrI.O.P.No.29142 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

CrI.O.P.No. 29142 of 2024

1. Arulmurugan
2. Arul Iyyappan
3. Anjalai ... Petitioners

Vs.

State by:
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore.
(Crime No. 232 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.
232 of 2024 pending investigation on the file of the respondent Police.

For Petitioners : Mr.A. Anandharaj
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

Petition seeking bail in respect of Crime No. 232 of 2024 registered for



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the offences punishable under Sections 115(2), 232(1), 296(b) and 351(3) of BNS r/w 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 is on board for consideration.

2.The incarceration of the petitioner being from 10.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioners 2 & 3 are accused facing trial in S.C.No.71 of 2020, pending on the file of the Mahila Court, Cuddalore. He also submits that the de facto complainant is a witness in that case and in order to threaten the petitioners and extort money from them, the de facto complainant filed a false complaint against the petitioners. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners had threatened the witnesses to prevent them giving evidence in a sessions case in S.C.No.71 of 2020 pending on the file of the Mahila Court, Cuddalore and later on 23.09.2024 the petitioners assaulted the de facto complainant.



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4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the copy of FIR, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 petitioners shall report before the Mahila Court, Cuddalore on all the working days 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, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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.

04.12.2024

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A.D.JAGADISH CHANDIRA., J.

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To

1. The District Munsif cum Judicial Magistrate,
Neyveli.
2. The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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