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Crl.O.P.No.29678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

Crl.O.P.No.29678 of 2024

1. Madhavan @ Aadu

2. Logesh @ Bharath

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Jamunamarathur Police Station,
Tiruvannamalai District.
(Crime No.157 of 2024).

... Respondent

Prayer : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.157 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.E.Sathiyaraj

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

ORDER

Petition seeking bail in respect of Crime No.157 of 2024 registered for the offences punishable under Sections 191(2), 329(4), 308(5), 296(b), 115(2), 76 & 351(3) of BNS, is on board for consideration.



CrI.O.P.No.29678 of 2024

2. The incarceration of the petitioners being from 10.11.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that due to previous enmity, the de facto complainant had lodged a false complaint against the petitioners. He further submits that the petitioners are 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 trespassed into the de facto complainant's cracker shop, abused her in filthy language and slapped her, since she refused to give crackers for free of cost. He further submits that the investigation is still pending in this case and several previous cases are pending against the petitioners.

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, and considering the nature of allegation, 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 separate bond



CrI.O.P.No.29678 of 2024

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 **Judicial Magistrate, Polur, Tiruvannamalai**, 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 stay at Chennai and report before the Inspector of Police, D1 Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police;

[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 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



CrI.O.P.No.29678 of 2024

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be registered under Section 269 of B.N.S.

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27.11.2024



CrI.O.P.No.29678 of 2024

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To

1. The Judicial Magistrate, Polur,
Tiruvannamalai.
2. The Inspector of Police,
Jamunamarathur Police Station,
Tiruvannamalai District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
D1 Police Station, Triplicane,
Chennai.



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Crl.O.P.No.29678 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.29678 of 2024

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