



WEB COPY



Crl.O.P.Nos.29672 & 29675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

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

Crl.O.P.Nos.29672 & 29675 of 2024

Lokesh ... Petitioner in Crl.O.P.No.29672 of 2024

Madhavan ... Petitioner in Crl.O.P.No.29675 of 2024

Vs.

The State represented by,
The Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.
(Crime No.473 of 2024).

... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.473 of 2024, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.E.Sathiyaraj

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

COMMON ORDER

Petition seeking bail in respect of Crime No.473 of 2024 registered for the offences punishable under Sections 296(b), 118(1), 392(4), 324(4), 351(3) of BNS Act r/w Sections 109, 191(2), 191(3), 296(b), 324(4), 329(4), 351(3) of



CrI.O.P.Nos.29672 & 29675 of 2024

BNS Act and Section 4 of TN Prohibition of Harassment of Women Act, is on board for consideration.

2. The incarceration of the petitioners/A6 & A7 being from 03.11.2024 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 the fact remains is that the de facto complainant and others intercepted the petitioners' gang and by abusing them with their caste name, assaulted them causing injuries and taken away three sovereigns of gold chain, thereby, the case has been registered against the de facto complainant and others in Crime No.156 of 2024. Thereby, the de facto complainant had lodged a false complaint against the petitioners and their friends. He further submits that the petitioners have also sustained injuries and still taking treatment and they 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 it is a case and a case in counter, where, due to the previous enmity, both the de facto complainant gang and the petitioners' assaulted each other and



CrI.O.P.Nos.29672 & 29675 of 2024

due to which, they sustained injuries and admitted at hospital. He further submits that the investigation is still pending in this case and the injured have been discharged from the hospital. He also submits that four previous cases are pending against A6 and in respect of A7, two previous cases are pending.

4. Having heard the learned counsel for the petitioners/A6 and A7 and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the facts of the case, 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 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



CrI.O.P.Nos.29672 & 29675 of 2024

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

27.11.2024

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To

1. The Judicial Magistrate, Polur,
Tiruvannamalai.
2. The Inspector of Police,
Kannamangalam 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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A.D.JAGADISH CHANDIRA.,J.

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