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Crl.O.P.No.29900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.29900 of 2024

Bharath @ Magesh

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Cuddalore O.T Police Station,
Cuddalore District.

(Crime No.463 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.463 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Sathishkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A4, who was arrested and remanded to judicial custody on 03.11.2024, seeking bail in Crime No.463 of 2024 registered for the offence under Sections 191(2), 191(3),



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296(b), 115(2), 118(1), 127(2) and 351(3) of BNS r/w Section 4 of TN Prohibition of Harassment of Women Act and altered into Section 109 of BNS.

2. The case of the prosecution is that on account of previous enmity, the accused had abused the de facto complainant in filthy language and when the same was questioned by her husband, the accused had attacked him with knife, resulting in which, the victim sustained injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that due to the civil dispute, a false complaint has been given against the petitioner and the petitioner/A4 was arrested on 03.11.2024. He further submitted that even as per the prosecution, the victim has been discharged from the hospital, hence, he prayed that the petitioner may be enlarged on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the property dispute, the accused had abused and assaulted the de facto complainant and her husband. He further submitted that civil disputes are also pending between the victim and the accused. He also submitted that the specific overt act against the petitioner is that he had



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caught hold of the hands of the victim during the incident and further, now the victim has been discharged from the hospital. Hence, he objected for grant of bail.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegation against the petitioner, the period of incarceration undergone by the petitioner and that the victim was also discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Additional Mahila Court, Cuddalore District**, 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



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ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday 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 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 B.N.S.

29.11.2024

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To

1. The Judicial Magistrate,
Additional Mahila Court, Cuddalore District.
2. The Station House Officer,
Cuddalore O.T Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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