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CRL.O.P.No.29907 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.29907 of 2024

Meganathan @ Udhaya

... Petitioner

Versus

State rep.by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.532 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.532 of 2024, on the file of the Respondent Police.

For Petitioner	:	Mr.W.Camyles Gandhi
For Respondent	:	Mr.Leonard Arul Joseph Selvam Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.11.2024 for the offences punishable under Sections 296(b), 351(3)



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of BNS and Section 3(1) of Tamil Nadu Public Property (Damage & Loss) Act, 1992 in Crime No.532 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on account of family dispute, the petitioner abused the defacto complainant and set fire on his bike; and that caused damage to the tune of Rs.20,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner's uncle was earlier assaulted by the defacto complainant's sons and grandson; that since the petitioner's uncle had lodged a complaint in Crime No.531 of 2024 for offences under Sections 296(b), 127(2) and 109 of BNS, the defacto complainant had lodged the present false complaint against the petitioner to counter the said complaint; and that the petitioner is in custody from the 02.11.2024, hence, he prayed for bail.



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4.The learned Government Advocate (Crl. Side) *per contra* would submit that a case was initially registered on the complaint of the petitioner's uncle and the instant complaint was registered later; that there was a damage to the bike; and that the investigation is pending.

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 fact that there is an earlier complaint against the defacto complainant by the petitioner's uncle and that it is a case and counter case and also considering the period of incarceration undergone by the petitioner and that the custody of the petitioner is not required for the purpose of further investigation, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees



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Ten Thousand only), towards damage caused to the bike, to the credit of Crime No.532 of 2024 before the Magistrate concerned and 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 No.II, Salem 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), towards damage caused to the bike, to the credit of Crime No.532 of 2024 before the Magistrate concerned;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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



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of Kerala [(2005)AIR SCW 5560];

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.11.2024

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To

- 1.The Judicial Magistrate No.II,
Salem.
- 2.The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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