



WEB COPY



Crl.O.P.No.30032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

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

Crl.O.P.No.30032 of 2024

1. Azhagesan

2. Anantharaj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
(Crime No.587 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with the Crime No.587 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Parameswaran

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

ORDER

Petition seeking bail in respect of Crime No.587 of 2024 registered for the offences punishable under 296(b), 115(2), 118(1), 126(2), 351(3) & 109 of BNS is on board for consideration.



CrI.O.P.No.30032 of 2024

2. The incarceration of the petitioners being from 01.11.2024 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 the existing property dispute, the de facto complainant had given a false complaint given 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 and the de facto complainant are neighbours and on account of the property dispute, on the alleged date of occurrence, the petitioners, who are respectively the father and son, had abused the de facto complainant in filthy language and assaulted him with hands and a knife causing injuries and also threatened him with dire consequences. He further submits that the investigation in this case is still pending.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the



Crl.O.P.No.30032 of 2024

materials available on record, and considering the nature of allegation and the period of incarceration undergone by the petitioners, 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, Sankarapuram**, 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 respondent Police everyday at 06.30 p.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 conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down



Crl.O.P.No.30032 of 2024

WEB COPY

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.

02.12.2024

ham



CrI.O.P.No.30032 of 2024

WEB COPY

To

1. The Judicial Magistrate,
Sankarapuram.
2. The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
3. The Superintendent,
Sub Jail,
Kallakurichi.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.30032 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.30032 of 2024

02.12.2024