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Crl.O.P.No.29964 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.29964 of 2024

1. Lucky Dhass

2. Reetha Jena

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No. 1102 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with **Crime No.1102 of 2024**, pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Saranraj

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

ORDER

Petition seeking bail in respect of **Crime No.1102 of 2024** registered for the offences punishable under Sections 115(2), 118(1), 133, 296(b), 329(4),



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351(3), 74, 75(3) of BNS and Section 66E of IT Act and Section 4 of TNPHW Act, 2002 is on board for consideration.

2. The incarceration of the petitioners being from **07.11.2024** 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 would submit that the defacto complainant had developed illicit intimacy with the son-in-law of the first petitioner/A2 and when it was questioned, she had given a false complaint alleging that, as if, they had assaulted the petitioner. He would further submit 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, suspecting that the defacto complainant was having illegal affair with A4, had assaulted her and also abused and intimidated her and video has also been taken. He would submit that now, the cell phone have been seized and video has been deleted and it has been sent for forensic science report. He would further submit that A-1 being a pregnant women, was not arrested.



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4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, 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, Palladam, Tiruppur 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 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



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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.

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To

1. The Judicial Magistrate, Palladam,
Tiruppur District.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Superintendent,
Women's Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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