



Crl.O.P.No.30021 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.30021 of 2024

1. Arunkumar

2. Chandru

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Roshanai Police Station,
Villupuram District.
(Crime No.520 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.520 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.N.Rajan

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

ORDER

Petition seeking bail in respect of Crime No.520 of 2024 registered for the offences punishable under 296(b), 115(2) & 351(3) of BNS @ Sections 296(b), 115(2), 351(3) & 109 of BNS is on board for consideration.



CrI.O.P.No.30021 of 2024

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2. The incarceration of the petitioners being from 19.11.2024 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 co-accused has been granted bail by this Court in CrI.O.P.No.29014 of 2024 on 22.11.2024 and the petitioners, who are in no way connected with the alleged offence, 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 when the de facto complainant had questioned A1 for bursting crackers near his leg, the first accused along with others had abused the de facto complainant in filthy language and assaulted him with hands causing injuries and pushed him down. He further submits that the injured has been discharged from the hospital and further, the case is under investigation, therefore, if the petitioners are released on bail, there is a possibility of them absconding and not available for further investigation.



CrI.O.P.No.30021 of 2024

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and also considering that the co-accused has been granted bail by this Court, 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 No.I, Tindivanam**, 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



CrI.O.P.No.30021 of 2024

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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.

02.12.2024

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CrI.O.P.No.30021 of 2024

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To

1. The Judicial Magistrate No.I,
Tindivanam.
2. The Inspector of Police,
Roshanai Police Station,
Villupuram District.
3. The Superintendent,
Sub Jail,
Tindivanam.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.30021 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.30021 of 2024

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