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Crl.O.P.No.30150 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

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

Crl.O.P.No.30150 of 2024

Sivakumar

... Petitioner

Vs.

State of Tamil Nadu

Rep. by Inspector of Police

Dharapuram Police Station, Tiruppur District

(Crime No.674 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.674 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

Petition seeking bail in respect of Crime No.674 of 2024 registered for the offences punishable under Sections 329(4), 296(b), 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and 3(1) of TN Public Property (Prevention of damage & loss) Act, 1992 is on board for consideration.

2.The incarceration of the petitioner being from 19.11.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offences and he is 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 on 19.11.2024, when the de facto complainant was at the finance company, where he was working as Manager, the petitioner trespassed into the premises, abused the owner using filthy language, broke the chairs and threatened them with dire consequences. He further submits that there are twenty previous cases against the petitioner.

4.In reply, the learned counsel for the petitioner submits that the petitioner is an agriculturist and a member of agriculturists' union and the aforementioned cases have been falsely foisted against him due to his involvement in protests.

5.Having heard the learned counsel for the petitioner and 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 petitioner with certain conditions and accordingly, the petitioner is ordered to be released on



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bail on his executing a bond 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, Dharapuram, 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 report before the respondent Police, everyday at 06.30 p.m., for a period of two weeks, and thereafter, on every Saturday 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 of B.N.S.

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A.D.JAGADISH CHANDIRA., J.

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To

1.The Judicial Magistrate, Dharapuram

2.The Inspector of Police
Dharapuram Police Station
Tiruppur District

3.The Superintendent,
Sub Jail, Dharapuram

4.The Public Prosecutor,
High Court of Madras.

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