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Crl.O.P.No.30815 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

Crl.O.P.No.30815 of 2024

1.E.Kalaivanan

2.E.Kalaiselvan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
S-7, Meenambakkam Police Station,
Chennai.
(Crime No.21 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 S.C.No.210 of 2024, pending on the file of the learned
Sessions Judge, Mahila Court, Chengalpattu.

For Petitioners : Mr.S.N.Arun Kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

Petition seeking bail in respect of Crime No.21 of 2024 registered for the offences punishable under Sections 341, 294(b), 323, 336, 307 and 506(ii) of BNS r/w Section 4 of TNWH Act is on board for consideration.

2. The incarceration of the petitioners being from 14.06.2024 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 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 Additional Public Prosecutor appearing for the respondent police, opposing for grant of bail, is that while the defacto complainant was taking bath outside her house, the petitioners herein had abused her in filthy language. When the same was questioned, the petitioners restrained her from getting inside her house and also tried to attack her with knife. When the public tried to stop the petitioners, they pelted stones over them and ran away. He further submits that the injured has been discharged from the hospital. However, there are 6 previous cases against the first



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petitioner and 4 previous cases against the second petitioner, therefore, if the petitioners are released on bail, there is a possibility of them absconding and not available for further investigation. He further submitted that the charge sheet has been filed before the learned Sessions Judge, Mahila Court, Chengapattu in S.C.No.210 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 injured has been discharged from the hospital, 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 **Sessions Judge, Mahila Court, Chengelpattu**, 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;



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[b] the petitioners shall report before the Sessions Judge, Mahila Court, Chengelpattu on all working dates at 10.30 a.m., and thereafter, on all hearing dates;

[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 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.

11.12.2024

Anu



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To

1. The Sessions Judge, Mahila Court, Chengelpattu
2. The Inspector of Police,
S-7, Meenambakkam Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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