



WEB COPY



CrI.O.P.No.31458 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.31458 of 2024

Maheshwaran @ Appanu

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
Crime No.242 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioners on bail in Crime No.242 of 2024 on the file
of the respondent police.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.S.Balaji
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.10 .2024, for the alleged offence under Sections 296(b), 132, 351(3) of



CrI.O.P.No.31458 of 2024

BNS Act and Section 25(1)(a) of Arms Act in Crime No.242 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.10.2024 at 2.00 p.m, the defacto complainant had intercepted the Innova car bearing registration number TN 51 AS 5657 near Karuvelankadai Adapparur river bridge and tried to search the car, at that time, the petitioner who drove the car scolded the defacto complainant/Inspector of Police in filthy language, prevented her from discharging her official duties and also threatened her by showing knives, that were kept in the car. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He also submitted that the detention of the petitioner under “Goonda” Act as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982 and the same was revoked by this Court on 06.12.2024. He further submits that the petitioner was arrested and is in judicial custody from 03.10.2024 and is



Crl.O.P.No.31458 of 2024

ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that when the defacto complainant/Inspector of Police had intercepted and tried to search the Innova car bearing registration number TN 51 AS 5657 which was driven by this petitioner, at that time, he had scolded the defacto complainant in filthy language, prevented her from discharging her official duties and threatened her by showing knives, that were kept in the car. He further submitted that the petitioner has 18 previous cases, pending against him; and that investigation is completed and the final report was also filed. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, nature of offence, investigation was completed and the final report was also



CrI.O.P.No.31458 of 2024

filed, considering that the petitioner was detained under “Goonda” Act of the Tamil Nadu Act 14 of 1982 and thereafter, the detention order of the petitioner has been set aside by this Court, though the petitioner has 18 previous cases, all are not similar kind of offences, in some of the cases ended in acquittal and in all other cases, he has been released on bail, and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kilvelur, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., for a period of 30 days.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



CrI.O.P.No.31458 of 2024

WEB COPY

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

16.12.2024

drl



WEB COPY



Crl.O.P.No.31458 of 2024

P.DHANABAL, J.

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Kilvelur.
- 2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.31458 of 2024