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Crl.O.P.No.31278 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.O.P.No.31278 of 2024

Saran @ Saravanan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station-Pallavaram,
Tambaram.
(Crime No. 29/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/accused on bail in
Crime No. 29 of 2024 on the file of the Inspector of Police, All Women Police
Station, Pallavaram.

For Petitioner : Mr.J. Kingsleen

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

ORDER

Petition seeking bail in respect of Crime No.29 of 2024 registered for
the offences punishable under Sections 77, 79, 85 & 351 of BNS and 67 of
Information Technology Act, 2008 is on board for consideration.



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2.The incarceration of the petitioner being from 19.11.2024 pleading 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 due to a matrimonial dispute a false complaint has been registered against the petitioner. He also submits that while the victim was hospitalized, her initial statement made no allegations against the petitioner, however, later at the instigation of her relatives, an exaggerated statement has been given by the victim. 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 the petitioner, who is the husband of the de facto complainant, is said to having an extra marital affair and when the de facto complainant questioned the same, she was assaulted by the petitioner. The de facto complainant even tried to end her life by self-immolation unable to bear the cruelty meted out to her. After the discharge of the de facto complainant from the



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hospital, the petitioner had been threatening to kill her if she did not give consent for divorce. He further submits that the injured has been discharged from the hospital.

4.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 and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on 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 District Munsif cum Judicial Magistrate at Pallavaram, 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 stay at Thiruvallur and report before the Inspector of Police, Thiruvallur All Women Police Station, Thiruvallur, everyday at 06.30 p.m., until further orders. It is made clear that the petitioner



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shall not enter the jurisdictional limits of the respondent police 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.

16.12.2024

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To
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1. The District Munsif cum Judicial Magistrate,
Pallavaram.
2. The Inspector of Police,
All Women Police Station,
Pallavaram.
3. The Superintendent,
Central Prison II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
All Women Police Station,
Thiruvallur.



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A.D.JAGADISH CHANDIRA., J.
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