



WEB COPY



Crl.O.P.No.31444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

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

Crl.O.P.No.31444 of 2024

Murali

... Petitioner

Vs.

The State,
Rep. by the Inspector of Police
Thally Police Station
Krishnagiri District
(Crime No.301 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pertaining to Crime No.301 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Venkatesh

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

ORDER

Petition seeking bail in respect of Crime No.301 of 2024 registered for the offences punishable under Section 296(b), 115(2), 118(1), 351(2) of Bharatiya Nyaya Sanhita, 2023, Section 9(i), 9(m), 9(n) of the Protection of Children from Sexual Offences Act, 2012, is on board for consideration.

2.The incarceration of the petitioner being from 24.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned



Crl.O.P.No.31444 of 2024

counsel for the petitioner seeks indulgence of this Court. He also submits that due to a matrimonial dispute, the wife of the petitioner had registered a false complaint against the petitioner. 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 under influence of alcohol abused his wife, and physically and sexually assaulted the minor son, aged about 2 years, by biting him all over the body.

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 Sessions Judge, Fast Track Mahila Court, Krishnagiri, and on further conditions that:

[a] the sureties shall affix their photographs and



WEB COPY



Crl.O.P.No.31444 of 2024

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 Vellore and report before the Inspector of Police, Vellore South Police Station, everyday at 06.30 p.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.

17.12.2024

sai



WEB COPY

To



CrI.O.P.No.31444 of 2024

A.D.JAGADISH CHANDIRA., J.

sai

1.The Sessions Judge, Fast Track Mahila Court, Krishnagiri

2.The Inspector of Police
Thally Police Station
Krishnagiri District

3.The Superintendent,
District Jail, Dharmapuri

4.The Public Prosecutor,
High Court of Madras.

5.The Inspector of Police,
Vellore South Police Station,
Vellore.

CrI.O.P.No.31444 of 2024

17.12.2024