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CRL OP NO. 31672 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31672 of 2024

Periyasamy
S/o. Palani and another

Petitioner(s)

Vs

State Of Tamil Nadu Rep.By
The Inspector of Police, Barur Police Station,
Krishnagiri District. (Crime No. 128/2024)

Respondent(s)

For Petitioner(s):

R Varun Vignesh
J.Prithviraj
V. Aniruth
V.Pooja

For Respondent(s): Mr.S.Santhosh, Govt.Adv. (Crl.Side)
Public Prosecutor

ORDER

Apprehending arrest in connection with Crime No. 128 of 2024 registered for the offences punishable under Sections 296(b), 127(2), 118(1) and 351(3) of BNS, the present petition has been filed seeking anticipatory



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bail.

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2. The case of the prosecution is that the petitioners were digging a drainage channel through the de-facto complainant's agricultural land. When the same was questioned by the de-facto complainant and his father, the petitioners along with others abused filthy language and attacked them with knives due to which, the de-facto complainant was injured. Hence the complaint.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that there was civil dispute between the petitioners and the de-facto complainant. He would further submits that there is a case in counter in Crime No. 127 of 2024 registered against the de-facto complainant u/s.126, 103, 326, 351(3) of BNS and Sec.4 of PPDL Act. He would further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.



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4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the injured has been discharged from the hospital. He further submits that there is no previous case pending against the petitioners.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pochampalli, on condition that the petitioners shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:



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[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners and 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;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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



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[(2005)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can
be registered under Section 269 of BNS.

19-12-2024

MSM

To

1. State Of Tamil Nadu Rep.By
The Inspector of Police,
Barur Police Station,
Krishnagiri District.
(Crime No. 128/2024)

2.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No.31672 of 2024

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