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CRL O.P. No.1133 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

THE HON'BLE MR.JUSTICE G.R. SWAMINATHAN

CRL OP.No.1133 of 2025

Periyasamy S/o. Katturaj

... Petitioner / Accused-4
Vs

State represented by:

The Inspector of Police,
Nangavalli Police Station,
Salem District.
[Cr. No.284 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., to enlarge the petitioner/Accused on bail in Cr. No.284 of 2024 on the file of the respondent police.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate
[Criminal side]

ORDER

Heard the learned counsel on either side.



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2. The petitioner stands accused in Cr. No.284 of 2024 for the offences under Section 75(2), 189(2), 296(b), 127(2), 115(2) and 351(2) of B.N.S. on the file of the respondent police. He was arrested and remanded into judicial custody on 26.12.2024.

3. The accused 1 and 2, followed the daughter of the defacto complainant, waylaid them and asked them to have affair with the accused and when the defacto complainant questioned the same, there was a wordy quarrel between the parties, which led to the occurrence and registration of the case.

4. The learned Government Advocate (Criminal Side) informs the Court that the injury is simple.

5. Though the allegations made against the petitioner are serious in nature, his continuity of incarceration will not serve any purpose. The petitioner, through his counsel, gives an undertaking that he will completely keep away from the victim's family and this Court make it clear that if the petitioner keeps in touch with the victim's family, this Court will not hesitate to initiate contempt proceedings.



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6. Recording the undertaking given by the petitioner through his counsel, the petitioner is granted bail subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **Judicial Magistrate-I, Mettur** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

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

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

[e] 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



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to any police officer or tamper with the evidence;

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.01.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

- 1.The Judicial Magistrate-I, Mettur.
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Nangavalli Police Station, Salem District.
4. The Superintendent of Police, Central Prison, Salem.

G.R. SWAMINATHAN J.,
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