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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17-01-2025**

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

CRL OP NO. 1283 of 2025

1. Thameen Ansari
2. Dasthageer Basha

... Petitioners

Vs

State Rep.By
The Inspector Of Police
Vellore North Law And Order Police Station,
Vellore District,
Vellore.
(Cr.No.517 of 2024) ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., pleased to enlarge the petitioners on bail, in Crime No.517 of 2024 on the file of the respondent Police.

For Petitioners : Mr.J. Prakasam

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

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O R D E R

Heard the learned counsel on either side.

2. The petitioners stand accused in Crime No. 517 of 2024 on the file of respondent police for the offences under Sec.296(b), 324(4), 355 of The Bharatiya Nyaya Sanhita (BNS), 2023 r/w 3 (1) The Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 and 4(1)(C) Tamil Nadu Prohibition (Amendment) Act, 2024. They were arrested on 26.12.2024. The specific allegation against them is that in a drunken mood, they have created nuisance in the public as if they belong to a political party viz., Hindu Munnani Party, wherein, they have damaged the public property worth about Rs.4000/-.

3. Taking into account the over all facts and circumstances, I am of the view that the petitioners' continuity of incarceration will not serve any purpose. Hence, this Court is inclined to grant bail to the petitioners, subject to the following conditions:-

(a) Accordingly, the petitioners are 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

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to the satisfaction of the **learned Judicial Magistrate Court No.IV, Vellore** and on further conditions that:-

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned trial judge 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 daily at 10.30 a.m., until further orders.

[d] the petitioners shall not commit any offences of similar nature.

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

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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

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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 BNS.

17.01.2025

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To

1.The Judicial Magistrate No.IV,
Vellore.

2.The Inspector of Police,
Vellore North Law And Order Police Station,
Vellore District, Vellore.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.

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G.R.SWAMINATHAN, J.

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Crl.O.P.No.1283 of 2025

17.01.2025

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