



Crl.O.P.No.4145 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4145 of 2025

1. Venkatesh
2. Ganesan

... Petitioners/A1 & A3

Vs.

The State represented by,
The Inspector of Police,
Ethapur Police Station, Salem.
(Crime No.25 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.25 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Ganesan

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 15.01.2025, seeking bail in Crime No.25 of 2025 registered for the offence under Sections 294(b), 118(1) and Section 351(3) of BNS and subsequently altered into Sections 296(b) and 109 of BNS [294(b), 307 of IPC]



Crl.O.P.No.4145 of 2025

WEB COPY

2. The case of the prosecution is that due to civil dispute, petitioners/A1 & A3 along with other accused abused the defacto complainant in filthy language and also attacked him with iron rod, as a result of which, defacto complainant sustained grievous injuries. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been false implicated in this case. He further submitted that the petitioners are in custody from 15.01.2025 and since further custody is not required, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the injured victim has been discharged from the hospital. He further submitted that the petitioners have one previous case.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



CrI.O.P.No.4145 of 2025

WEB COPY

6. Considering, the fact that the injured victim has been discharged from the hospital; period of incarceration; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their 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 **Judicial Magistrate No.I, Attur.**

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

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

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



Crl.O.P.No.4145 of 2025

WEB COPY

[e] 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 [(2005)AIR SCW 5560]***;

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

18.02.2025

Sma
To

1. Judicial Magistrate No.I, Attur.
- 2.The Inspector of Police,
Ethapur Police Station, Salem.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.4145 of 2025

SUNDER MOHAN., J.

Sma

Crl.O.P.No.4145 of 2025

18.02.2025