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Crl.O.P.No.9137 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9137 of 2025

1.Ramakrishnan

2.Mani

... Petitioners/A1 & A2

Vs.

The State represented by,
The Sub Inspector of Police,
Pernambut Police Station,
Vellore District.

(Crime No.29 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.29 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.E.Kannadasan

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 07.02.2025, seeking bail in



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Crime No.29 of 2025 registered for the offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) and 109(1) of BNS, 2023.

2.The case of the prosecution is that, due to previous enmity, the petitioners along with other accused had abused the defacto complainant in filthy language and attacked him with beer bottle and caused injuries. Hence, the case.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners are in custody from 07.02.2025 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioners.

4.Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that, in the alleged incident the defacto complainant sustained injuries. He further submitted that the first petitioner has 24 previous cases, out of which 13 cases have been disposed of and the second petitioner has 17 previous cases registered for the offence under the TN Prohibition Act and they are on bail in those cases.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the nature of allegations, period of incarceration, the fact that the petitioners are on bail in the previous cases, 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 separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Gudiyatham**, and on further conditions that:

[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;



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[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;

[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.

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To

1. Judicial Magistrate, Gudiyatham.
2. The Sub Inspector of Police,
Pernambut Police Station,
Vellore District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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