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Crl. O.P. No.12352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12352 of 2025

Elumalai S/o. Periyasamy

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police,
Thirupalapanthal Police Station,
Kallakurichi District.
(Crime No.67 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.67 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. M. Venkatesh

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

ORDER

This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 08.04.2025, seeking bail in Crime No.67 of 2025 registered for the offences under Sections 296(b), 76, 329(4), 115(2), 118(1) and 351(3) of B.N.S.



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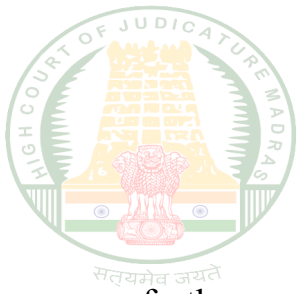
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2. The case of the prosecution is that due to the pathway dispute, the defacto complainant lodged a complaint against the petitioner and others, which is pending investigation; that in continuation of which, the petitioner along with other accused, trespassed into the house of the defacto complainant with deadly weapons, threatened the defacto complainant to withdraw the complaint, at knife point, assaulted her and her family members and caused injury. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that he has been falsely implicated in this case; that the petitioner is in custody from 08.04.2025; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that injured has been discharged from the hospital.

5. Considering the aforesaid facts, nature of allegations, period of incarceration, the fact that injured was discharged from the hospital and since



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further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Tirukoilur** and on further conditions that:

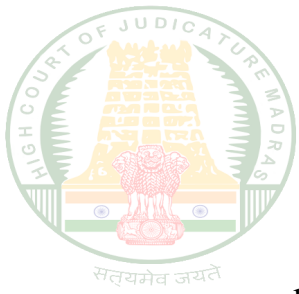
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Salem and shall report before the Salem Town Police Station, everyday at 10.30 a.m., until further orders;

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

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

[e] On breach of any of the aforesaid conditions, the



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learned 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]***;

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

23.04.2025

mjs

To

1. The Judicial Magistrate, Tirukoilur.
2. The Inspector of Police,
Thirupalapanthal Police Station,
Kallakurichi District.
3. The Inspector of Police,
Salem Town Police Station,
Salem.
4. The District Jail, Villupuram.
5. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.
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