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Crl. O.P. No.14412 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM:

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14412 of 2025

Mathiyazhagan S/o. Muniyandi

... Petitioner

Vs.

State Rep. by -

The Inspector of Police,
Vellore Sathuvachari Police Station.
Tamil Nadu.
(Crime No.92 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.92 of 2025, pending investigation on the file of the respondent Police.

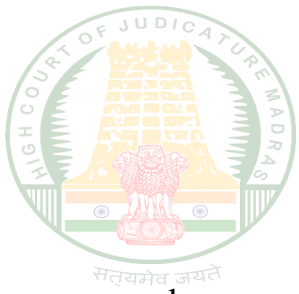
For Petitioner : Mr. K. Arumugam

For Intervenor /
Defacto Complainant: Mr. K. Suhasini

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

ORDER

This Criminal Original Petition has been filed by the petitioner/accused,

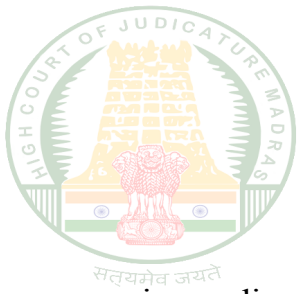


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who was arrested and remanded to judicial custody on 06.04.2025, seeking bail in Crime No.92 of 2025 registered for the offences under Sections 296(b), 351(2) and 75 of B.N.S. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

2. The case of the prosecution is that due to previous enmity between the defacto complainant and one Mohanavalli with regard to construction of compound wall in the said Mohavalli's house, the petitioner, who is a Mason doing construction work in the Mohanavalli's house, picked up quarrel with the defacto complainant and attacked him using wooden log. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is a Mason constructing a compound wall for want of one Mohanavalli, who is the adjacent property owner of the defacto complainant and there is some dispute between the said Mohanavalli and the defacto complainant. When the defacto complainant objected for construction of compound wall, there was push and pull, which has now been projected as the petitioner assaulted the defacto complainant using wooden logs and exposed his private parts. In this case, investigation is now completed and charge sheet has been filed and the same



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is pending in P.R.C. No.36 of 2025 and hence further custody of the petitioner is not required. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned counsel appearing for the intervenor / defacto complainant submitted that the petitioner is a close associate of a practising Advocate from the same village and that Advocate has 14 cases pending against him. At the instigation of the said Advocate, the petitioner picked up quarrel with the defacto complainant and he is causing disturbance and attacked the defacto complainant's mother and showed indecent gestures by exposing his private parts. The defacto complainant is employed as Assistant in Vellore Christian Medical College and Hospital and has got old age parents and mentally challenged child and due to the petitioner's threat, the safety and security of the defacto complainant's family has become questionable.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the petitioner is a Mason and in fact, the petitioner's house and the defacto complainant's house are



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located one behind other and there was a dispute in between the neighbours and the petitioner has constructed a compound wall in one Mohanavalli's house and there was some fight. He further submitted that investigation has been completed and hence he opposed for granting bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side, nature of offences and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned **Judicial Magistrate, Additional Mahila Court, Vellore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46



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annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of 2 weeks and thereafter, as and when required for further interrogation;

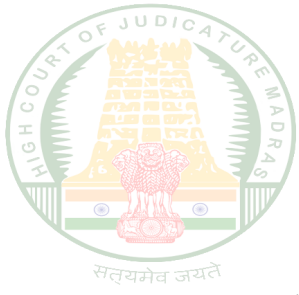
[c] the petitioner shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 269 of B.N.S.

15.05.2025

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Note:- 1. Registry is directed to forthwith upload this order in the official website of this Court.

2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate, Additional Mahila Court, Vellore.

2. The Inspector of Police,
Vellore Sathuvachari Police Station.
Tamil Nadu.

3. The Superintendent,
Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

NOTE: ISSUE TODAY.



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M.NIRMAL KUMAR, J.

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