



Crl.O.P.No.31547 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31547 of 2024
and Crl.M.P.No.18308 of 2024

1. Sakthivel
2. Hariharan
3. Tamizharasan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpet District.
(Crime No.569 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, in connection with Crime No.569 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Parthiban
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
For Intervenor : Mr.G.Magesh Kumar



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ORDER

Petition seeking bail in respect of Crime No.569 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 109(1) and 351(3) of BNS, is on board for consideration.

2. The incarceration of the petitioners/A4 to A6 being from 19.11.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners other than being present along with the other accused has not committed any offence as alleged by the prosecution. He further submits that even as per the prosecution, the de facto complainant's mother is the person who had assaulted the other accused and initiated the scuffle and further, the injury on the victim has been inflicted only by one Arul, who has been arrayed as A2 in this case. He also submits that the co-accused has been granted anticipatory bail by this Court and the petitioners herein are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 18.11.2024, at about 5.00 p.m., the accused, who were in an



inebriated condition, had picked up a quarrel with the de facto complainant, while he was grazing buffaloes, during which, the mother of the de facto complainant slapped the first accused, thereby, on enraging over the same, the accused, at about 6.20 p.m., went to the house of the de facto complainant, abused his family members and assaulted them with knife, in which, the de facto complainant's mother sustained grievous injuries in her right hand. He also submits that the injured have been discharged from the hospital, however, still taking treatment and the case is under investigation. He further submits that there is no previous cases against these petitioners.

4. Learned counsel for the de facto complainant submits that the petitioners along with other accused, under the influence of alcohol, had abused the de facto complainant and his family members in filthy language and attempted to murder them by assaulting with knife and due to which, the victim got severe injury and still taking treatment.

5. Having heard the learned counsel appearing for both sides and perused the materials available on record and taking note of the nature of allegation, the period of incarceration undergone by the petitioners and that the co-accused has been enlarged on anticipatory bail, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are



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ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one surety should be a blood related surety of the petitioners), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Chengalpet**, 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 stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station, 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;

[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]***;



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

6. Consequently, connected miscellaneous petition is closed.

08.01.2025

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To

1. The Judicial Magistrate No.II,
Chengalpet.
2. The Inspector of Police,
MaraimalaiNagar Police Station,
Chengalpet District.
3. The Superintendent,
District Jail, Chengalpet.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.



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A.D.JAGADISH CHANDIRA.,J.

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