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Crl.O.P.No.31854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

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

Crl.O.P.No.31854 of 2024

Tamilselvan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Uthangarai Police Station,
(Crime No:511 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in the
event of arrest in Crime No.511 of 2024 on the file of the respondent.

For Petitioner : Mr.R.Varun Vignesh

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Prem Anandhan

ORDER

Apprehending arrest in connection with Crime No.511 of 2024
registered for the offences punishable under Sections 296(b), 118(1) and 351(3)
of the Bharatiya Nyaya Sanhita (BNS), 2023 the present petition has been filed
seeking anticipatory bail.



2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court.

Learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted as against the petitioner. He further submits that the petitioner is 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 (Crl.Side) appearing for the respondent Police while opposing for grant of anticipatory bail is that the accused assaulted the defacto complainant with wooden log and caused injuries. He further submits that the injured has been discharged from the hospital and it is a case of case in counter. He further submits that there is no previous case as against the petitioner.

4. The learned counsel for the intervenor would submit that when the defacto complainant and her grandson were returning from a shop, the accused assaulted her with wooden log and caused head injuries.



5. Having heard the learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthangarai, Krishnagiri District, on condition that the petitioner shall execute a 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall stay at Singarapettai and report before the Inspector of Police, Singarapettai Town Police Station daily at 10.30 a.m., until further orders; It is made clear that the petitioner shall not enter into the jurisdictional limits, until further orders;



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

[d] the petitioner shall not abscond 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 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 of BNS.

08.01.2025
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To

1. The Inspector of Police,
Uthangarai Police Station.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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