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Crl.O.P.No.32131 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

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

Crl.O.P.No.32131 of 2024

Dharmaraj @ Dharma

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Mandharakuppam Police Station,
Cuddalore District.
(Crime No.198 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.198 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Gandhi Kumar

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

ORDER

Petition seeking bail in respect of Crime No.198 of 2024 registered for the offences punishable under Sections 296(b), 131, 351(3) and 109 of BNS, is on board for consideration.



Crl.O.P.No.32131 of 2024

WEB COPY

2. The incarceration of the petitioner/A1 being from 13.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is in no way connected with the alleged offence, however, due to previous enmity, the de facto complainant had lodged a false complaint against the petitioner. He also 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 (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that there exists a dispute between the petitioner and one Anandaraj, who is the employee of the de facto complainant and on account of which, the petitioner/A1 along with A2 had gone to the de facto complainant's shop, abused the de facto complainant and threatened him with dire consequences. He further submits that the accused, by demanding money from the de facto complainant for the expenditure incurred due to the complaint lodged by his employee Anandaraj, had attempted to murder him by assaulting with sickle. He further submits that the investigation in this case is still pending and further, against the petitioner, seven previous cases are pending.



Crl.O.P.No.32131 of 2024

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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** (out of which, one surety should be a blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Neyveli**, 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 report before the respondent Police everyday at 06.30 p.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 learned Magistrate/Trial Court is entitled to take appropriate action



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Crl.O.P.No.32131 of 2024

A.D.JAGADISH CHANDIRA.,J.

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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 B.N.S.

06.01.2025

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To

1. The District Munsif cum Judicial Magistrate,
Neyveli.
2. The Station House Officer,
Mandharakuppam Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.32131 of 2024