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Crl.O.P.No.32475 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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

Crl.O.P.No.32475 of 2024

Subash @ Subash Sankar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mecheri Police Station,
Salem District.

(Crime No.572 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.572 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Parameswaran

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

ORDER

Petition seeking bail in respect of Crime No.572 of 2024 registered for the offence punishable under Sections 296(b), 115(2), 118(1), 351(3), 324(2) of BNS and later altered into Sections 191(2), 191(3), 296(b), 115(2), 118(1),



Crl.O.P.No.32475 of 2024

351(3), 324(2) of BNS r/w Section 4 of TN Prohibition of Harassment of Women Act and Section 3(1) of the TN Public Property (Prevention of Damage & Loss) Act. , is on board for consideration.

2. The incarceration of the petitioner being from 29.11.2024 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 further submits that the petitioner and the de facto complainant are relatives and due to family dispute, a false complaint has been lodged 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 due to previous enmity, the accused had abused the de facto complainant's relatives and assaulted them causing injuries and further, damaged their car. He also submitted that the petitioner herein is arrayed as A2 and the investigation in this case is still pending. He further submits that the injured have been discharged from the hospital.



CrI.O.P.No.32475 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 and considering the fact that the injured have been discharged from the hospital and 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Mettur**, 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 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 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



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Crl.O.P.No.32475 of 2024

A.D.JAGADISH CHANDIRA.,J.

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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.

02.01.2025

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To

1. The Judicial Magistrate No.II,
Mettur.
2. The Inspector of Police,
Mecheri Police Station,
Salem District.
3. The Superintendent,
Sub Jail, Omalur.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.32475 of 2024