



CrI.O.P.No.18759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.18759 of 2024

Ammavasai @ Manimaran

...Petitioner/Accused-3

Vs.

The State rep by its
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
(Crime No.59 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.59 of 2020 on the file of respondent police.

For Petitioner : Mr.H.Viji

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)

ORDER

The petitioner seeks bail in S.C.No.18 of 2024 in Crime No.59 of 2020 on the file of the XIX Additional District and Sessions Judge,



CrI.O.P.No.18759 of 2024

Chennai, for the offences under Sections 147, 148, 341, 294(b), 323, 307, 427 & 506(ii) of IPC. The petitioner has been remanded to judicial custody on 10.07.2024 on execution of NBW against him on 02.04.2024.

2.The case of the prosecution is that the petitioner along with the other accused have abused the defacto complainant in filthy language and assaulted him with knife. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that investigation has been completed and final report has also been filed. He also submitted that due to health issues of the petitioner, he could not appear before the Trial Court, as a result of non appearance, NBW was issued. Hence, he prays for grant of bail to the petitioner.

4.Learned Government Advocate submitted that the petitioner along with other accused waylaid the defacto complainant and abused him in filthy language and assaulted him with knife. He further submitted



CrI.O.P.No.18759 of 2024

that NBW was issued against the petitioner on 02.04.2024 and he was secured only on 10.07.2024. He also submitted that investigation has been completed and final report has also been filed and the same has been taken cognizance as SC.No.18 of 2024 by the XIX Additional Sessions Judge, Chennai. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering the fact that bail was already granted to the petitioner and thereafter NBW was issued and immediately, the same has been executed and considering the fact that after completion of investigation final report has also been filed and now the case is posted for trial, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 XIX Additional Sessions Judge, Chennai, and on further conditions that :-



CrI.O.P.No.18759 of 2024

WEB COPY

- [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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the Trial Court 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 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 229A IPC.

05.08.2024

ata



WEB COPY



CrI.O.P.No.18759 of 2024

To

- 1.The XIX Additional Sessions Judge, Chennai.
- 2.Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.18759 of 2024

P.DHANABAL, J.

ata

Crl.O.P.No.18759 of 2024

05.08.2024