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Crl.O.P.No.18877 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.18877 of 2024

A.Suhal

...Petitioner/4th Accused

Vs.

The State rep by its
The Inspector of Police,
Hosur Police Station,
Krishnagiri District.
(Crime No.393 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.393 of 2024 on the file of respondent police.

For Petitioner : Mr.S.Varanesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2024 for the offences under Sections 126(2) and 109 of BNS,



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2023 and Sections 25(1)(a) of Arms Act, 1959, in Crime No.393 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other accused, have committed the offence of attempt to murder the defacto complainant by Aruval and caused injuries. Hence, the case.

3. Learned counsel for petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the injured has been discharged from the hospital and the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays of grant of bail.

4. Learned Government Advocate submitted that there are four accused in this case, in which the petitioner is arrayed as 4th accused. The defacto complainant is one of the victim in a murder case against the petitioner, so that, all the accused threatened the defacto complainant and attacked with knife and caused injuries. He further submitted that the



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petitioner has direct involvement in the offence and the petitioner has four previous cases against him. Hence, he vehemently objected 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 the injured has been discharged from the hospital and considering that though the petitioner has four previous case, he has already been released on bail in all the said cases and considering all other aspects and the investigation has almost been completed, I am 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 Judicial Magistrate II, Hosur, and on further conditions that :-



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- [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 respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.
- [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.

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To

1.The Judicial Magistrate II,
Hosur.

2.Central Jail, Salem.

3.The Inspector of Police,
Hosur Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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