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CrI.O.P.No.19054 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.19054 of 2024

S.Nagaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.

(Crime No.549 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.549 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Muthukumaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.07.2024, for the alleged offences punishable under Sections 351(3),



Crl.O.P.No.19054 of 2024

109, 126(2), 296(b) of BNS, in Crime No.549 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, is that, due to previous enmity, the petitioner along with other accused waylaid the defacto complainant's son, abused him with filthy language and also assaulted him with beer bottles, thereby causing injury to him. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in FIR. The petitioner was arrested and is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that due to previous enmity, the petitioner along with other accused assaulted the defacto complainant's son with their



Crl.O.P.No.19054 of 2024

hands and beer bottle, he sustained injuries, admitted in the hospital and later he discharged. He further submitted that the petitioner has no previous case against him, and investigation in this case is almost completed. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioner, and also considering the injured has been discharged from the hospital and there is no previous case pending against him and considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 District Munsif cum Judicial Magistrate, Gummidipoondi and on further conditions that :-



Crl.O.P.No.19054 of 2024

WEB COPY

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 BNS.

07.08.2024

drl



CrI.O.P.No.19054 of 2024

WEB COPY

- To
- 1.The District Munsif cum Judicial Magistrate,
Gummidipoondi
 - 2.The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.
 - 3.The Superintendent,
Sub Jail, Ponneri.
 - 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.19054 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.19054 of 2024

07.08.2024