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CRL O.P. No.19199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19199 of 2024

Chinnaraj S/o. Kannan

... Petitioner/Accused No.7

Vs

State rep. by:-

The Inspector of Police,
Vellore South Police Station [L & O],
Vellore District.
[Cr. No.242 of 2024]

... Respondent

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.242 of 2024 on the file of the respondent police.

For Petitioner : Mr. G. Vinoth Kumar
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

ORDER



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The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 20.06.2024 for the offences punishable under sections 147, 148, 294(b), 324, 302, 506(ii) of IPC in Crime No.242 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.06.2024 at about 00.45 a.m., when the deceased and Subash @ Vinod were coming near Kuppan House in a two wheeler, A1 to A3 also came in a two wheeler in very rash manner and the deceased scolded in obscene language. Due to which, dispute arose between the parties and A1 hit the deceased Jayaprakash head with a beer bottle and A2 hit the defacto complainant with a beer bottle and pelted stones on the defacto complainant and the deceased and hence they sustained head injuries and were admitted in the hospital. The said Jayaprakash died in the hospital. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody since 20.06.2024. Totally there are 8 accused arrayed in this case and the name of this petitioner is not found in the FIR. There is no overt act attributed as against this petitioner. He



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is ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that due to the wordy quarrel between the parties, while travelling in a two wheeler, the defacto complainant and the deceased Jayaprakash were severely attacked by the accused persons using beer bottle and pelted stones on them, which lead to severe head injury and the said Jayaprakash died in the hospital. This petitioner, who is arrayed as A7, has directly participated in the occurrence. If he is released on bail, he would not appear before the Court and would not co-operate for trial. Hence he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that no name of this petitioner is found place in the FIR and investigation was almost completed and also taking into consideration the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:



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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 learned **Judicial Magistrate No.I, Vellore District** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 A.M. until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The Judicial Magistrate No.I, Vellore District
2. The Inspector of Police,
Vellore South Police Station [L & O],
Vellore District.

P.DHANABAL,J
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- 3.The Superintendent,
Central Jail, Vellore.

- 4.The Public Prosecutor, High Court, Madras.

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