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CRL O.P. No.19306 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19306 of 2024

Suresh

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
C-5 Oragadam Police Station,
Kanchipuram District.

... Respondent

[Cr. No.358 of 2024]

For Petitioner : Mr.J.Hemakumar

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

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 enlarge the petitioner on bail in Crime No. 358 of 2024 on the respondent police.



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ORDER

The petitioner/Accused-1, who was arrested and remanded to judicial custody on 28.07.2024 for the offences punishable under Sections 147, 148, 149, 294(b), 323, 324, 307 & 506(ii) of IPC @ 147, 148, 149, 294(b), 323, 324, 302 & 506(ii) of IPC, in Crime No.358 of 2024, seeks bail.

2. The case of the prosecution is that on 24.05.2024 at around 11.00 p.m., while the brother of the deceased returning to the defacto complainant's room, the villagers have rounded him and enquired about misbehaving a woman folk, however, the defacto complainant intervened, thereby the petitioner along with other accused said to have assaulted him and also his deceased brother with wooden logs and hands, thereby the deceased sustained grievous injuries and subsequently died. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely roped in this case. He would further submit that in fact, the deceased came there in a drunken



mode and caused annoyance, on hearing the same, he came there and found there was a wordy quarrel between the deceased and the accused, in which they attacked him and he sustained injuries and died. He would further submit that there is no specific overt act as against the petitioner. He would further submit that co-accused have been released on bail. He would also submit that investigation has been almost completed and the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that there are totally more than 20 accused in this case, in which the petitioner is arrayed as A16. He would further submit that there is no previous case as against the petitioner and co-accused in this case have been released on bail. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the representation made by both side learned counsel and considering the fact that co-accused were already released on bail and also taking into consideration the number of days of incarceration by the accused and the fact that there is no previous case against the petitioner and investigation is almost completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[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 **Judicial Magistrate, Sriperumpudur, Chennai** and on further conditions that:

[b] the petitioner shall report before the concerned jurisdictional Judicial Magistrate on every working day at 10.30 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



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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].

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

16.08.2024
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To

- 1.The Judicial Magistrate, Sriperumpudur, Chennai.
- 2.The Inspector of Police,
C-5 Oragadam Police Station,
Kanchipuram District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J

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