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CRL O.P. No.19312 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.19312 of 2024

Ajith @ Kolar Ajith S/o. Kuppan ... Petitioner / 2nd Accused
Vs

State rep. by:-

The Inspector of Police,
SIPCOT Police Station. ... Respondent
[Cr. No.617 of 2024]

For Petitioner : Mr. R. Dinesh Kumar
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 grant bail to the petitioner/Accused in Crime No.617 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/2nd Accused, who was arrested and remanded to judicial custody on 16.06.2024 for the offences punishable under sections 294(b), 353, 307, 506(ii) of IPC and Section 7(1)(a) of CLA Act and Section 25(1A) of Arms Act in Crime No.617 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.06.2024 at about 1 p.m. near Karimedu Bypass Service Road, when the respondent police headed by the defacto complainant, were in patrol duty, the petitioner along with another accused came in a two wheeler, escaped from the spot on seeing the respondent police and when the police tried to restrain them, the petitioner along with another accused, at a knife point, abused the Police in filthy language, tried to assault them and threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner, who is arrayed as A2, is in judicial custody since 16.06.2024 and he has been falsely implicated in this case. The co-accused was



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already granted bail. The petitioner 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 when the respondent police under the defacto complainant's team were in patrol duty, the petitioner along with another accused came in a two wheeler and on seeing the police, tried to escape and when the police tried to restrain them, the petitioner and another accused, at knife point, abused the respondent police with filthy language and tried to assault them. The accused have also threatened with dire consequences by showing the knife. The injured person was discharged from the hospital. There are 4 previous cases as against the petitioner and in all other cases, the petitioner was released on bail. Investigation was completed. Further the learned Additional Public Prosecutor submitted that grave nature of offences under section 307 of IPC and Section 25(1A) of Arms Act are involved in this case. Hence he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and



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considering the fact that the co-accused was granted bail and injured was discharged from the hospital, considering the fact that in all other cases, the petitioner was granted bail, taking into consideration the period of incarceration of the petitioner and considering the fact that investigation is completed, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, each of the petitioners 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 **District Munsif cum Judicial Magistrate Court, Gummidipoondi** and on further conditions that:

[b] the petitioner shall report before the District Munsif cum Judicial Magistrate Court, Gummidipoondi daily at 10.30 A.M. until further orders.

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



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[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 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.

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

To

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1.The District Munsif cum Judicial Magistrate Court, Gummidipoondi

2.The Inspector of Police,
SIPCOT Police Station.

3.The Superintendent,
Central Prison, Puzhal-II, Chennai.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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