



Crl.O.P.No.19542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

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

Crl.O.P.No.19542 of 2024

Mohammed Khalid

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-1 Vepery Police Station,
Chennai.
(Crime No. 228 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No. 228 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.S.Ashik Ahamed

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.07.2024, for the alleged offence punishable under Sections 296(b), 109
of BNS 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of



CrI.O.P.No.19542 of 2024

Women Act, 2002, in Crime No.228 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 26.07.2024 at about 7.50 a.m, there was a wordy quarrel between the petitioner and the defacto complainant. It is alleged that, while she was sleeping, the petitioner burned his wife all over the body using hot iron box, resulting in grievous injuries. 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 the FIR. He further submit that the defacto complainant is the wife of this petitioner. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.19542 of 2024

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and the defacto complainant are husband and wife. He further submitted that on the date of alleged occurrence, there was a wordy quarrel, for which, while the defacto complainant was sleeping, the petitioner burned his wife all over the body using hot iron box, causing grievous injuries to her. He further submitted that the injured has been discharged from the hospital. He further submitted that the petitioner has no previous case pending against him. However, he 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 submissions of the learned counsel on either side, and the dispute between the petitioner and the defacto complainant and considering the period of incarceration undergone by the petitioner, and taking note of the fact that the injured has been discharged from the hospital, and the petitioner has no previous case, pending against him, and also



Crl.O.P.No.19542 of 2024

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 II Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:-

[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].



Crl.O.P.No.19542 of 2024

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

28.08.2024

drl

To

- 1.The Metropolitan Magistrate No.II,
Egmore, Chennai.
2. The Inspector of Police,
G-1 Vepery Police Station,
Chennai.
- 3.The Superintendent,
Central Prison,-II Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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Crl.O.P.No.19542 of 2024

Crl.O.P.No.19542 of 2024

28.08.2024