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CRL O.P. No.19324 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.19324 of 2024

Prabhu S/o. Arjunan

... Petitioner/Accused No.2
Vs

State rep. by:-

The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
[Cr. No.205 of 2024]

... Respondent

For Petitioner : Mr. E. Kannadasan
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.205 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 08.06.2024 for the offences punishable under sections 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.205 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.06.2024, there was a wordy quarrel arose between A1 and one Muthuraj @ Pallu in front of the defacto complainant's shop and when the defacto complainant asked the accused not to fight in that place, the petitioner along with other accused had attacked him with hands and legs and also caused bleeding injury on his forehead with broken beer bottle. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody for more than 2 months. Co-accused were already granted bail and injured person has been discharged from the hospital. He 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



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submit that there are totally 4 accused. The petitioner along with other accused had attacked him with hands and legs and also caused bleeding injury on his forehead with broken beer bottle. There are 16 previous cases as against the petitioner. 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 and considering the fact that already co-accused were released on bail, considering the fact that the injured person was discharged from the hospital 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:

[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 No.V, Vellore** and on further conditions that:



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[b] the petitioner shall report before the Krishnagiri Police Station 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be



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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.V, Vellore
- 2.The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J

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