



Crl.O.P.No.19969 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.19969 of 2024

Magesh Kumar

...Petitioner

Vs.

The State rep by
The Inspector of Police,
K-2 Ayyanavaram Police Station
Chennai District
(Crime No.173 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Crime No.173 of 2024 on the file of respondent police.

For Petitioner : Mr.E.Gopala Krishnan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.07.2024 for the offences under Sections 126(2), 296(b) and 351(2) of BNS and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 Act in Crime No.173 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, on 17.07.2024 obstructed the government bus in the middle of road damaged the front glass of the bus, abused the driver and threatened with dire consequences. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner/accused obstructed the government bus in the middle of road damaged the front glass of the bus, abused the driver and threatened with dire consequences. He further submitted that the petitioner is an habitual offender and there are 11 previous cases pending as against the petitioner. Hence, vehemently, objected to granting bail to the petitioner.

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

6. Considering the submissions made on both sides and also taking into consideration the period of incarceration undergone by the petitioner and there are previous cases pending as against the petitioner in all cases bail was granted and considering other aspects, this Court is inclined to grant bail to the petitioner with 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 court of *Vth Metropolitan Magistrate at Egmore* and on further conditions



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that:

[a]the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of thirty days and thereafter, as an when required for interrogation;

[b]the petitioner shall not abscond either during investigation or trial;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]on breach of any of the aforesaid conditions, the learned 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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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To

1.The V Metropolitan Magistrate
Egmore, Chennai

2.Central Prison, Puzhal

3.The Inspector of Police,
The Inspector of Police,
K-2 Ayyanavaram Police Station
Chennai District

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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