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Crl.O.P.No.19669 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

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

Crl.O.P.No.19669 of 2024

Vijay

... Petitioner

Vs.

The State represented by,
The Inspector of Police
M-8, Sathangadu Police Station,
Thiruvottiyur,
Chennai District.
Crime No.318 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.318
of 2024, on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.07.2024, for the alleged offences punishable under Sections 296(b),



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118(1), 109, 351(3) of BNS Act, in Crime No.318 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.07.2024, at about 8.00 p.m, when the defacto complainant was nearing Kargil Nagar with his friend, at that time, the petitioner called him. The defacto complainant did not notice him, due to which, there was a wordy quarrel, in which, the petitioner along with other accused assaulted him with knife and caused injuries to him. 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, since he has got some previous cases. He has not committed any offence as alleged in the FIR. 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.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would contend that due to a wordy quarrel, the petitioner along with other accused assaulted the defacto complainant with a knife, causing injuries to him and later he discharged from the hospital. He further submitted that the petitioner has 11 previous cases pending against him. Hence, he strongly 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, considering the nature of offence, and also taking note of the fact that the injured was discharged from the hospital and considering the period of incarceration undergone by the petitioner, and also considering that the petitioner has 7 previous cases, in all of the cases, he has been released on bail and also considering all other factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 Judicial Magistrate, Thiruvottiyur, Chennai District, 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].



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

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drl

To

- 1.The Judicial Magistrate,
Thiruvottiyur, Chennai District.
- 2.The Inspector of Police
M-8, Sathangadu Police Station,
Thiruvottiyur,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal-II,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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