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CRL O.P. No.19745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19745 of 2024

Sankar

... Petitioner/Accused

Vs

State rep. by:-

The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai
(Crime No.421 of 2024)

...Respondent/Complainant

For Petitioner : Mr. G.Sivaraman
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. 421 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/accused, who was arrested and remanded to judicial custody on 01.08.2024 for the offences punishable under Sections 272, 273 and 328 of IPC and Section 6 (a) r/w 24 (1), COTP Act under Section 7 r/w 9 (ii) of TNPSS Act and Section 77 Act and Section 4 (1) (a) of Prohibition Act, in Crime No.421 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found selling banned Jartha for preparing mava to the co accused named Banu @ Bavani. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He is in judicial custody for more than 22 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was found selling banned Jartha for preparing mava to the co accused named Banu @ Bavani and the properties were seized from the accused and there is no previous pending against this petitioner.



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However, he opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side and considering the nature of offences and the quantity of materials involved in this case, there is no previous case against the petitioner and also considering the period of incarceration, 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 **XV Metropolitan Magistrate, GT Court at Cheenai**, and on further conditions that:

[b] the petitioner shall report before the respondent police on every Saturday at 10.00 p.m., for a period of four weeks.

[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.

22.08.2024

jai

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order



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To

1. The XV Metropolitan Magistrate, GT Court ,
Cheenai,
2. The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai
3. The Puzhal Prison, Chennai.
4. The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

Jai

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