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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20438 of 2024

1.Kavi @ Selvamani
2.Sridhar @ Abi ... Petitioners / Accused 1 & 2

Vs

State rep. by
The Inspector of Police,
C-2, Periyapalayam Police Station.

... Respondent

[Cr. No.291 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.291 of 2024, on the file of the respondent.

For Petitioners : Mr.K.Kanagaraj

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

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ORDER

The petitioners seek bail in Crime No.291 of 2024, for the offences punishable under Sections 294(b), 323, 324, 307, 506(ii) of IPC, on the file of the respondent police. The 1st petitioner was remanded to judicial custody on 01.07.2024 and the 2nd petitioner was remanded to judicial custody on 07.07.2024.

2.The case of the prosecution is that on 30.06.2024, due to wordy quarrel arose between the petitioners and the defacto complainant with regard to their friendship, the petitioners abused the defacto complainant in filthy language and assaulted him with dire consequences, due to which, the defacto complainant sustained cut injuries in head, left hand and stomach. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have nothing to do with the alleged offence and the injured has been discharged from the hospital. Hence, he prays for grant of bail to the petitioners.

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4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to wordy quarrel, the petitioners abused the defacto complainant in filthy language and attacked him with dire consequences and caused cut injuries. He would further submit that the injured has been discharged from the hospital and there are nine previous cases against the 1st petitioner and five previous cases against the 2nd petitioner. He would further submit that investigation is still pending. Hence, he opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side learned counsel and considering that the injured has been discharged from hospital and also taking into consideration the number of days of incarceration undergone by the petitioners and all other aspects, this Court is inclined to grant bail to the petitioners subject to the following conditions:

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[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Uthukottai,** and on further conditions that;

[b] the Petitioners shall report before the Taluk Police Station, Kanchipuram, everyday at 10.00 a.m., until further orders;

[c] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioners shall not abscond 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

1.The District Munsif cum Judicial Magistrate, Uthukottai.

2.The Inspector of Police,
C-2, Periyapalayam Police Station.

3.Central Prison, Puzhal-II.

4.The Public Prosecutor, High Court, Madras.

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P.DHANABAL,J.
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