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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20094 of 2024

Vignesh @ Vickey ...Petitioner/Accused

Vs.

The State Rep by,
Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No.684 of 2024) ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.684 of 2024 on the file of respondent police.

For Petitioner : Mr.R.Vinoth

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

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O R D E R

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The petitioner, who was arrested and remanded to judicial custody on 08.07.2024 for the offences under Sections 296(b), 309(4), 311 and 353(3) of the BNS in Crime No.684 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has waylaid the defacto complainant, abused him with filthy language, and robbed a sum of Rs.1000/- at knife point from the defacto complainant. 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 has been in custody since 08.07.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent

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police opposed granting bail to the petitioner by stating that the petitioner had abused the defacto complainant in filthy language and robbed a sum of Rs.1000/- at knife point from him. He further submitted that there are three previous cases pending against the petitioner; that no one was injured in this case.

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

6. Considering the submissions made on both sides, the nature of offence, the amount involved in this case, the fact that though the petitioner has some previous cases in all cases, he was released on bail, and also taking into consideration the period of incarceration undergone by the petitioner, 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 learned **Judicial Magistrate No.II, Ponneri,** and on further conditions

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that:

[a] the petitioner shall report before the Inspector of Police, Vellore Police Station, everyday at 10.00 a.m., for a period of thirty (30) days;

[b]the petitioner shall not abscond either during the 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.

20.08.2024

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To
1.The Judicial Magistrate No.II,
Ponneri

2. The Superintendent of Prison

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Central Prison – II,
Puzhal.

3.The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.

4.The Public Prosecutor
High Court of Madras.

P.DHANABAL, J.

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