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Crl.O.P.No.20451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

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

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Saravanan @ Vellai Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kavarapettai Police Station,
Kavarapettai, Thiruvallur District,
(Crime No. 413 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 413 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.S.Raju

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.05.2024, for the alleged offences punishable under Sections 294(b),



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323, 324, 379, 307, 506(2) and 120 (B) of IPC, in Crime No.413 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.05.2024 at about 7.30 p.m., when the defacto complainant finished his work and came to his house, at that time, the petitioner along with other persons damaged the defacto complainant's vehicle, used filthy language and assaulted him with an iron rod and also threatened him with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would also submit that the detention order of the petitioner has been revoked by the Advisory Board. He further submit that the co-accused was also released on bail. He was arrested and is in judicial custody for more than 95 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. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, when the defacto complainant after finishing his work, drove his car to come to his house, at that time, the accused came in a car and hit the defacto complainant's car. Subsequently, one of the passengers from the car agreed to compensate the defacto complainant. Later, three other persons came and assaulted the defacto complainant, causing injury to him. They also abused him with filthy language and took away his mobile phone and laptop. He further submitted that there are seven accused in this case and the petitioner herein is arrayed as A5. He further submitted that the injured was discharged from the hospital and the petitioner has five previous cases pending against him. However, 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, and considering the period of incarceration undergone by the petitioner and also considering the fact that the petitioner has five previous cases, in all



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the cases, he has been released on bail, and the detention order was being revoked, injured was discharged from the hospital, co-accused was also released on bail, investigation was also completed, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 District Munsif cum Judicial Magistrate Court, Gummidipoondi at Thiruvallur, 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



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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].

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

22.08.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Gummidipondi, Thiruvallur.
2. The Inspector of Police,
Kavarapettai Police Station,
Kavarapettai, Thiruvallur District,
- 3.The Superintendent,
Central Prison-II, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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