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Crl.O.P.No.20064 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.20064 of 2024

Sivabalan

...Petitioner/Sole Accused

Vs.

State by,
Sub Inspector of Police,
Vellore South L & O Police Station,
Vellore District.
(Crime No.304 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Sections 439 of CrI.P.C., and 483 of BNSS Act, 2023 praying to enlarge the petitioner on bail in Crime No.304 of 2024 on the file of respondent police.

For Petitioner : Mr.D.Thirumoorthy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.07.2024 for the offences under Sections 126(2), 296(b), 118(1), 351(3) of the BNS @ 296(b), 126(2) and 109 of the BNS in Crime No.304 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 complaint's husband abused him with filthy language, attacked the defacto complainant's husband with kinfe and attempted to commit murder. Due to this, he sustained injuries and was admitted to the hospital. Hence the complaint.

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; that on the date of occurrence, the petitioner was present at the scene of the occurrence only; that the petitioner has been falsely implicated in this case; that he has been in custody since 08.07.2024; that he is a law-abiding citizen; and that he is ready to furnish substantial



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sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed granting bail to the petitioner by stating that the petitioner abused the defacto complainant's husband with filthy language, attacked him with a knife and attempted to commit murder. He further submitted that the petitioner had four previous cases; and that the injured had been discharged from the hospital.

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

6. Considering the submissions made on both sides, the fact that the injured was discharged from the hospital, that though the petitioner had four 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:



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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 learned *Judicial Magistrate - I, Vellore*, and on further conditions that:

[a] the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders;

[b] the petitioner shall not abscond either during 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*



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SCW 5560];
[e] if the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of
the BNS.

20.08.2024

dk

To

- 1.The Judicial Magistrate - I,
Vellore.
2. The Superintendent of Prison,
Central Prison
Vellore.
- 3.The Sub Inspector of Police,
Vellore South L & O Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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