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CRL O.P. No.20146 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20146 of 2024

Dinesh

... Petitioner / Accused-5

Vs

State rep. by:-

The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.

(Crime No.217 of 2024)

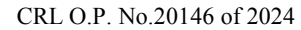
... Respondent

For Petitioner : Mr.D.Magesh

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 enlarge the Petitioner on bail in Crime No.217 of 2024 on the file of the respondent.



The Petitioner, who was arrested and remanded to judicial custody on 25.06.2024 for the offences punishable under Sections 147, 148, 294(b), 506(ii) of IPC r/w Section 3(1) of TNPPDL Act, in Crime No.217 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 23.06.2024, due to previous enmity, the petitioner along with the other accused came to defacto complainant's house with deadly weapons and damaged his house, two-wheeler and car and also caused damages to the neighbors' vehicles. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to previous enmity between the defacto complainant and the petitioner, a false complaint has been lodged. He would further submit that the petitioner has been in judicial custody for more than 50 days. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to previous enmity, the petitioner along with the other accused went to the defacto complainant's house and damaged the two wheeler and a car worth about Rs.15,00,000/- and also caused damages to the neighbors' vehicles. He would further submit that the petitioner has four previous cases against him. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offence and also considering the number of days of incarceration undergone by the petitioner and also taking into consideration the fact that the co-accused have been released on bail and all other aspects, this Court is 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 **Judicial Magistrate, Sriperumbudur**, and on further conditions



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that:

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[b] the Petitioner shall report before the Tindivanam Police Station, everyday at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar nature.

[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.

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To

- 1.The Judicial Magistrate, Sriperumbudur.
- 2.The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J



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