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CrI.O.P.No.20199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

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

CrI.O.P.No.20199 of 2024

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-8, Sathangadu Police Station,
Thiruvottiyur, Chennai District.
(Crime No.319 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.319
of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.07.2024, for the alleged offences punishable under Section 126(2),
296(b), 118(1), 109, 351(3) of BNS Act, in Crime No.319 of 2024, on the



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file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.07.2024 at about 7.30 p.m, the petitioner along with other accused persons, waylaid the defacto complainant and assaulted him with a knife, he sustained injuries and was admitted in the hospital. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged 21 years, is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He would further submit that the co-accused/A1 was arrested and released on bail by this Court. He would further submit that the petitioner was arrested and is in judicial custody for more than 35 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that on the date of the incident, when the defacto complainant was in his house, with his cellphone, at that time, the



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petitioner along with other accused persons enquired about his brother. The defacto complainant did not say anything, for which, the accused persons assaulted him with a knife. As a result, he sustained injuries and was admitted in the hospital and later he discharged. He would further submit that the petitioner has 8 previous cases, pending against him. However, he 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, considering the period of incarceration undergone by the petitioner and taking note of the fact that the injured was discharged from the hospital and co-accused was released on bail, and also considering the fact that the petitioner has 8 previous cases, in all the cases, he has been released on bail and also considering all other 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



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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 Judicial Magistrate, Thiruvottiyur, Chennai District 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 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].



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

29.08.2024

drl

To

- 1.The Judicial Magistrate,
Thiruvottiyur, Chennai District.
- 2.The Inspector of Police,
M-8, Sathangadu Police Station,
Thiruvottiyur, Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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