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CRL O.P. No.20119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20119 of 2024

Mohammed Waseem

... Petitioner / Accused-3

Vs

State rep. by:-

The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District.

... Respondent

[Cr. No.494 of 2024]

For Petitioner : Mr.G.Vinodhkumar

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. 494 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 19.07.2024 for the offences punishable under Sections 25(1A) of Arms Act, 353(1)(b) of BNS Act, in Crime No.494 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 19.07.2024 at around 10.00 hours, when the respondent were in patrol duty, the petitioner along with the other accused were found in possession of knife and swinging the knife towards the people and threatening them. 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 co-accused in this case was arrested and released on bail and the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent



would submit that the petitioner along with the other accused have threatened the public with knife. He would further submit that there is one previous case pending against the petitioner and co-accused has also been released on bail. However, he 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 the number of days of incarceration undergone by the accused and taking into consideration the fact that though there is one previous case against the petitioner he was granted bail in that case, 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, Vaniyambadi**, and on further conditions that:

[b] the Petitioner shall report before the respondent police



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everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[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, Vaniyambadi.
- 2.The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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