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CRL O.P. No.20159 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.20159 of 2024

Abdul Rahman

... Petitioner / Accused-2

Vs

State rep. by:-

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

(Crime No.494 of 2024)

... Respondent

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 file of the respondent.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 21.07.2024 for the offences punishable under Section 25(1A) of Arms Act and Section 353(1)(b) of BNSS, 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 about 10.00 hours, based on a secret information, the respondent went to the scene of occurrence and found that the petitioner along with the other accused in possession of knife and swinging the same towards public 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 the petitioner is ready to abide by any stringent condition that may be 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 were found in possession of knife and threatening the public with dire consequences. He would further submit that there are no previous cases pending against the petitioner. However, 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 allegations levelled as against the petitioner and the fact that no one was injured in the alleged incident and also considering that there are no previous cases against the petitioner 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, Vaniyambadi**, and on further conditions that:



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[b] the Petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for the period of eight weeks 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.

21.08.2024

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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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