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CRL O.P. No.20211 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.20211 of 2024

Vikram

... Petitioner / Accused-5

Vs

State rep. by:-

The Inspector of Police,
Thiruthani Police Station,
Thiruvallur.

... Respondent

[Cr. No.646 of 2024]

For Petitioner : Mr.V.Bhagyaraj

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. 646 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 13.06.2024 for the offences punishable under Sections 120(B), 294(b), 307 of IPC r/w Section 3 & 5 of Explosive Substance Act, 1908, in Crime No.646 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 03.06.2024, due to previous enmity, there was a wordy quarrel between the defacto complainant and the accused, which escalated into violence. 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, a false complaint has been lodged. He would further submit that the injured has been discharged from hospital. 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 there are totally five accused in this case, in which the petitioner is arrayed as A5. He would further submit that the petitioner along with the other accused, in a drunken mode, abused the defacto complainant and his friends and attacked them with dire consequences, thereby caused injuries to the defacto complainant. He would further submit that the injured has been discharged from the hospital. 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 fact that the injured has been discharged from hospital and considering that investigation has also been completed and taking into consideration the number of days of incarceration undergone by the petitioner and all other factors, 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



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of the **Judicial Magistrate Court, Thiruthani**, and on further conditions that:

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on all working days 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 Court, Thiruthani.
- 2.The Inspector of Police,
Thiruthani Police Station,
Chennai.
- 3.Central Prison – II, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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