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CRL O.P. No.20420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20420 of 2024

Manikkavelu

... Petitioner / Accused

Vs

State rep. by
The Sub Inspector of Police,
Moranam Police Station,
Tiruvannamalai District.

... Respondent

[Cr. No.329 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.329 of 2024, on the file of the respondent.

For Petitioner : Mr.A.Saranraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.07.2024 for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS, 2023, @ 296(b), 118, 351(3), 103(1) of BNS, 2023, in Crime No.329 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 14.07.2024, the petitioner along with the other accused, consumed alcohol jointly in a TASMAL bar and under the influence of alcohol, picked up quarrel with the deceased and attacked him with the beer bottle, as a result of which, the deceased died. 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 has nothing to do with the alleged offence and the petitioner's name was also not present in the FIR. He would also submit that the petitioner has been in judicial custody for more than 40 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 the petitioner along with the other accused, went to the TASMACH shop and after consuming alcohol, picked up quarrel with the deceased and attacked him with beer bottle and caused the death of the deceased. He would further submit that there is no previous case as against the petitioner. 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 representation made by both side learned counsel and considering that this petitioner is not a named accused in this case and that there is no previous case pending against the petitioner and also taking into consideration the period of incarceration undergone by the accused and that there is no specific overt act attributed against the petitioner, 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate, Cheyyar, Tiruvannamalai District**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

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To
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- 1.The Judicial Magistrate, Cheyyar, Tiruvannamalai District.
- 2.The Sub Inspector of Police,
Moranam Police Station,
Tiruvannamalai District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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