



WEB COPY



Crl.O.P.No.20320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

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

Crl.O.P.No.20320 of 2024

Haribabu

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Periyapalayam Police Station,
Tiruvallur District,
(Crime No. 338 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, pending investigation in connection
with Crime No. 338 of 2024 on the file of the respondent Police.

For Petitioner : Mr.A.Tamilselvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.08.2024, for the alleged offences punishable under Sections 115(2),



Crl.O.P.No.20320 of 2024

296(b), 109, 351(3) of BNS, in Crime No.338 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.07.2024, at about 8.15 p.m., while the defacto complainant went to hotel to buy some food, at that time, the petitioner abused him with filthy language and the same was questioned by the defacto complainant, for which, the petitioner threatened him with dire consequences and also assaulted him with wooden log, thereby he sustained severe injuries. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 15 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 submitted that it is a case and case in counter. He further



Crl.O.P.No.20320 of 2024

submitted that on the date of the incident, the petitioner abused and assaulted the defacto complainant with a wooden log, causing injuries to him. The victim was admitted in the hospital and later discharged. He further submitted that the petitioner has 5 previous cases, pending against him, and thereby, 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 considering the fact that it is a case and case in counter, and taking note of the fact that the injured has been discharged from the hospital and also considering the fact that the petitioner has 5 previous cases, and in all the cases, he has been released on bail, and also considering all others 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 his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



CrI.O.P.No.20320 of 2024

with two sureties, each for a like sum to the satisfaction of District Munsif cum Judicial Magistrate, Uthukottai, and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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].

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

22.08.2024

drl



CrI.O.P.No.20320 of 2024

To
WEB COPY

- 1.The District Munsif cum
Judicial Magistrate, Uthukottai
2. The Sub-Inspector of Police,
Periyapalayam Police Station,
Tiruvallur District,
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.20320 of 2024

drl

Crl.O.P.No.20320 of 2024

22.08.2024