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CRL O.P. No.20329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20329 of 2024

Gowtham

... Petitioner / Accused-1

Vs

State rep. by:-

The Sub Inspector of Police,
Central Police Station,
Tiruppur District.

... Respondent

[Cr. No.365 of 2024]

For Petitioner : Mr.K.Gopinath

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. 365 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 01.07.2024 for the offences punishable under Sections 294(b), 323, 324, 435, 506(ii) of IPC, in Crime No.365 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that due to money dispute, the petitioner along with the other accused, abused the defacto complainant in filthy language and assaulted him with helmet and set fire on the defacto complainant's bike. 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 it is only a family dispute and in order to wreck vengeance, a false complaint has been lodged. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. 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 due to money dispute, the petitioner along with the other accused abused the defacto complainant in filthy language and assaulted him with helmet and set fire on the defacto complainant's bike. He would further submit that there are five previous cases against the petitioner and the vehicle belonging to the defacto complainant was completely burnt. Hence, 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 representation made by both side learned counsel, considering the fact that there was family dispute between the parties and also taking into consideration the period of incarceration undergone by the petitioner and the material part of investigation was completed, 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 II, Tiruppur**, 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 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.

22.08.2024

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To

- 1.The Judicial Magistrate II, Tiruppur.
- 2.The Sub Inspector of Police,
Central Police Station,
Tiruppur District.
- 3.Sub Jail, Tiruppur.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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