



WEB COPY



CRL O.P. No.20774 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.20774 of 2024

Khargeswar Barkoti @ Shyam

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.

... Respondent

[Cr. No.236 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.236 of 2024, on the file of the respondent.

For Petitioner : Mr.M.Jaikumar

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



WEB COPY



CRL O.P. No.20774 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.07.2024 for the offences punishable under Section 109 of BNS, 2023 and then altered to Section 103(1) of BNS, 2023, in Crime No.236 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 07.07.2024 at about 7.00 p.m., when the defacto complainant came to the mechanic shop of the petitioner, the petitioner picked up quarrel with him, during quarrel, the petitioner attacked the deceased with two-wheeler wheel on his head and thereafter, the deceased was taken to hospital and he 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 defacto complainant has voluntarily picked up quarrel with the petitioner and attacked him. He would further submit that there is no previous case against the petitioner and investigation has been completed. He would also submit that the petitioner is ready to



CRL O.P. No.20774 of 2024

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 due to wordy quarrel, the petitioner attacked the deceased with two-wheeler wheel and caused the death of the deceased. He would further submit that investigation has been almost completed and there are no previous cases pending 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 investigation was almost completed and taking into consideration the number of days of incarceration undergone by the petitioner and that there is no previous case against the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:



CRL O.P. No.20774 of 2024

[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 **XVIII Metropolitan Magistrate Court, Saidapet**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Magistrate 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

ata



CRL O.P. No.20774 of 2024

WEB COPY

To

- 1.The XVIII Metropolitan Magistrate Court, Saidapet.
- 2.The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.20774 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.20774 of 2024

28.08.2024