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Crl.O.P.No.20590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

Crl.O.P.No.20590 of 2024

Surya @ Sunami Surya

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Thirupapuliyur Police Station,
Cuddalore District.
(Crime No. 219 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 Crime No.
219 of 2024 on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.07.2024, for the alleged offence punishable under Sections 126(2),
296(b), 118(1), 109 and 351(3) of BNS, in Crime No.219 of 2024, on the file



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of the respondent police, seeks bail.

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2. The case of the prosecution is that on 24.07.2024 at about 9.30 p.m, when the defacto complainant was travelling in his two wheeler, at that time, the petitioner along with other accused, due to previous enmity, waylaid the defacto complainant, assaulted him with a knife, causing injuries to him. 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 further submit that co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 40 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 on the date of the alleged occurrence, due to previous enmity, the petitioner along with other accused waylaid the defacto



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complainant and assaulted him with a knife, causing injuries to him. He further submit that the injured has been discharged from the hospital. He further submit that the petitioner has 13 previous cases, pending against him and investigation was also completed. However, 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 submission made by the learned counsel on either side, nature of offence, and the injured has been discharged from the hospital, and co-accused was also released on bail, and investigation was also completed, and also considering the fact that though the petitioner has 13 previous cases, in some of the cases, he has been acquitted and in all other cases, he has been released on bail, and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Cuddalore, and on further conditions that:-

[a] the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

10.09.2024

drl

To

- 1.The Judicial Magistrate No.III,
Cuddalore.
- 2.The Station House Officer,
Thirupapuliyur Police Station,
Cuddalore District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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