



WEB COPY



Crl.O.P.No.20563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

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

Crl.O.P.No.20563 of 2024

Anthony

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai – 600 021.
(Crime No. 542 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 542 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.K.Yuvaraja

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.07.2024, for the alleged offence punishable under Sections 126(2),
296(b), 115(2), 118(1), 74, 351(3) of BNS Act, 2023 and Section 4 of Tamil



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Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.542 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a money dispute between the petitioner and the defacto complainant, on 29.07.2024, when the defacto complainant asked for the money to be returned to him, at that time, the petitioner abused the defacto complainant in filthy language and attempted to stab the defacto complainant. As a result, an assault was made on her brother daughter's forehead, and she sustained blood injury. 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 there is no specific overt act against this petitioner. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 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



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respondent police submitted that due to a money dispute between the petitioner and the defacto complainant, on the date of alleged occurrence, there was a wordy quarrel, for which, the petitioner assaulted the defacto complainant with scissors, resulting in an assault on the defacto complainant's brother daughter's forehead, causing an injury. The injured person was later discharged from the hospital. He further submitted that the petitioner has 14 previous cases, pending against him. 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 submissions of the learned counsel on either side, and the money dispute pending between the parties, and considering the period of incarceration undergone by the petitioner, and taking note of the fact that the injured has been discharged from the hospital, and there is no specific overt act against this petitioner, and the petitioner has 14 previous cases, and in all the cases, he has been released on bail, and



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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) with two sureties, each for a like sum to the satisfaction of the XV Metropolitan Magistrate, George Town, Chennai, and on further conditions that:-

[a] the petitioner shall report before the XV Metropolitan Magistrate, George Town, Chennai, everyday at 10.30 a.m., until further orders.

[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



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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].

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

28.08.2024

drl

To

- 1.The Metropolitan Magistrate No.XV,
George Town, Chennai.
2. The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai – 600 021.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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