



WEB COPY



Crl.O.P.No.21162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

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

Crl.O.P.No.21162 of 2024

Saro @ Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-1 Sembium Police Station,
Chennai.
(Crime No. 299 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. 299 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.B.Kalaiarasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.07.2024, for the alleged offence punishable under Sections 296(b),
115(2), 118(1), 351(3) of BNS, in Crime No.299 of 2024, on the file of the



CrI.O.P.No.21162 of 2024

respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that on 10.07.2024 at about 11.00 p.m, when the defacto complainant was waiting with his auto for passengers near Perambur Railway Station, at that time, due to previous enmity, the petitioner along with other accused persons abused the defacto complainant with filthy language and also assaulted him with hands and stones, 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, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 50 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.21162 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally two accused in this case and the petitioner herein is ranked as A2. He further submit on the date of the alleged occurrence, due to previous enmity, the petitioner along with other accused person, assaulted the defacto complainant with hands and stones, causing injuries to him. He further submit that the injured has been discharged from the hospital. He further submit that the petitioner has 10 previous cases, similar in nature, 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 made by the learned counsel on either side, the nature of offence, and except for offence 118 of BNS, all other offences are bailable in nature, and also considering the period of incarceration undergone by the petitioner, and taking note of the fact that the injured was discharged from the hospital and also considering that though the petitioner has 10 previous cases, in some of the cases, he was acquitted and in



Crl.O.P.No.21162 of 2024

all other 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) with two sureties, each for a like sum to the satisfaction of the V Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:-

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m, for a period of four weeks 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



CrI.O.P.No.21162 of 2024

WEB COPY

[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.

04.09.2024

drl

To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-1 Sembium Police Station,
Chennai.
- 3.The Superintendent,
Central Puzhal Jail, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.21162 of 2024

drl

Crl.O.P.No.21162 of 2024

04.09.2024