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CRL O.P. No.20861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20861 of 2024

Tamilvanan

... Petitioner / Accused-1

Vs

State rep. by
The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai District.

... Respondent

[Cr. No.14 of 2019]

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.14 of 2019, on the file of the respondent.

For Petitioner : Mr.S.P.Harikrishnan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 03.07.2024 on execution of NBW issued against the petitioner on 18.07.2023, for the offences punishable under Sections 120(b), 147, 148, 294(b), 324, 341, 307, 149 of IPC and Section 3(1) of TNPPDL Act, in Crime No.14 of 2019, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 17.01.2019, when the defacto complainant and his friend travelling in a two-wheeler, the petitioner along with the other accused picked up quarrel with them, scolded them in filthy language and assaulted them with wooden logs and caused injuries. 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 petitioner was already granted bail, however, due to the petitioner was arrested in another case, he could not furnish sureties. Hence, NBW was issued against the petitioner on 18.07.2024 and the same was executed on 03.07.2024. He would also



submit that the petitioner has been in custody for more than 50 days and he is ready to abide by any condition 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 the petitioner along with the other accused waylaid the defacto complainant's vehicle, abused him in filthy language and assaulted him with wooden logs. He would further submit that the petitioner was already granted bail, but, due to non appearance before the Court, NBW was issued on 18.07.2023 and the petitioner was secured only on 03.07.2024. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that the petitioner was already granted bail and due to his non appearance, NBW was issued and the same was executed and that the petitioner has been in custody for more than 50 days and considering that the case is now pending before the Sessions Court for further proceedings, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[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 **District and Sessions Judge, Mayiladuthurai**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court daily 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.

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To
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- 1.The District and Sessions Judge, Mayladuthurai.
- 2.The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai District.
- 3.Sub Jail, Nagapattinam.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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