



CRL O.P. No.20866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20866 of 2024

Saravanan

... Petitioner / Accused -5

Vs

State rep. by
The Station House Officer,
Villianur Police Station,
Puducherry.

(Crime No.247 of 2024)

... Respondent

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.247 of 2024, on the file of the respondent.

For Petitioner : Mr.S.Irusan

For Respondent : Mr.K.S.Mohandass
Public Prosecutor,
Puducherry.
Assisted by Mrs.Dhanalakshmi



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.08.2024 for the offences punishable under Sections 296(b), 121(2), 109(1) of BNS r/w Section 3(5) of BNS, 2023 and Section 249(b) of BNS, 2023, in Crime No.247 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant and one, Vasantharaj, who is the Constable attached to the respondent police, were searching the accused, namely Sathish, who is involved in attempt to murder case in Crime No.91 of 2024. While so, the said Vasantharaj got an information on 07.08.2024 that the said Sathish was present in his house and based on that, he along with the other Constable, namely Periyasamy, went to the house of the said Sathish, at that time, Sathish, his wife and his brothers, Pradeep, Sakthi and Sathish's wife, Rajeswari joined together, abused the Police Constables in filthy language and assaulted Vasantharaj, with pressure cooker on his fore head and face, then, Pradeep and Sakthi assaulted Vasantharaj by bricks on his head.



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Further, Rajeswari, the wife of Sathish assaulted Vasantharaj with hands and legs and thereby attempted to commit murder on him and also deterred him from discharging his official duty. 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 there is no specific allegation as against the petitioner and the petitioner is only harbouring A1. He would further submit that the petitioner's father died on 24.08.2024 and the petitioner has been in custody for more than 25 days and there is no previous case against the petitioner. He would also submit that the injured has been discharged from the hospital. Hence, he prays for grant of bail to the petitioner.

4.The learned Public Prosecutor (Puducherry) for the respondent would submit that the petitioner along with the other accused, joined together, abused one Vasantharaj, Police Constable in filthy language and assaulted him with pressure cooker, bricks on his face and head and caused grievous injuries and also deterred him from discharging his



official duty. He would further submit that there is no previous case against the petitioner and the injured has been discharged from hospital only on 27.08.2024. 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 the representation made by both side learned counsels and considering that the injured was already discharged from the hospital and that there is no previous case as against the petitioner and only based on the confession statement of the co-accused, this petitioner was added as an accused in this case and alto taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[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 **Judicial Magistrate – III, Puducherry**, and on further conditions that;



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[b] the Petitioner shall report before the respondent police 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.

02.09.2024

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To

- 1.The Judicial Magistrate – III, Puducherry.
- 2.The Station House Officer,
Villianur Police Station,
Puducherry.
- 3.Central Prison, Kalapet, Puducherry.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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