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Crl.O.P.No.21323 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

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

Crl.O.P.No.21323 of 2024

Dharani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-2, Egmore Police Station,
Chennai District.

(Crime No. 248 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No. 248 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.08.2024, for the alleged offence punishable under Sections 296(b),



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132, 351(3) of BNS, 2023 in Crime No.248 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.08.2024 at about 9.30 a.m, during a police check-up at the Egmore Court, the petitioner was found to be in possession of a knife. When she refused to allow it inside the court, there was a wordy quarrel, for which, the petitioner abused them using filthy language and also threatened him with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case, since she has got some previous cases. She has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 20 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of alleged occurrence, the petitioner came to the Egmore Court to give surety for a bail petitioner. During police check-ip, she was found in possession of a knife. The police refused to allow her into the court, for which, the petitioner abused them in filthy language and also threatened them with dire consequences. He further submitted that the petitioner has 9 previous cases, pending against her. Hence, 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 nature of offence. and considering the period of incarceration undergone by the petitioner, and also considering the fact that the petitioner has 9 previous cases, in all the cases, she has been released on bail and also considering the nature of offences 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 her 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 XIV Metropolitan Magistrate Court, Egmore, Chennai, and on further conditions that:-

[a] the petitioner shall report before the respondent police on every Monday 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.

[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].



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

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drl

To

- 1.The XIV Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
F-2, Egmore Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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