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CrI.O.P.No.21457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

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

CrI.O.P.No.21457 of 2024

Ravikumar @ Muniyappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No. 198 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail, pending investigation in Crime
No.198 of 2024, on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.07.2024, for the alleged offence punishable under Sections 296(b), 109



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of BNS, in Crime No.198 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a property dispute between the petitioner and the defacto complainant, on 27.07.2024, there was a wordy quarrel between them, due to which, the petitioner attacked the defacto complainant with a knife, 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. 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 35 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 respondent police submitted that due to a property dispute between the petitioner and the defacto complainant, on the date of the alleged occurrence,



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there was a wordy quarrel, due to which, the petitioner in an inebriated condition attacked the defacto complainant with a knife, causing injuries to him. The defacto complainant was admitted in the hospital, and later discharged. He further submit that the petitioner has one previous case, 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, and considering the period of incarceration undergone by the petitioner, and also considering the relation between the petitioner and the defacto complainant, and also considering that there is a property dispute pending between them, and also taking note of the fact that the injured has also been discharged from the hospital, and also considering that the petitioner has one previous case, in which, 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.



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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 Judicial Magistrate Court, Palacode, and on further conditions that:-

[a] the petitioner shall report before the respondent police, 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 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 Judicial Magistrate Court,
Palacode.
- 2.The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
- 3.The Superintendent,
District Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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