



WEB COPY



Crl.O.P.No.21496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

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

Crl.O.P.No.21496 of 2024

Sudhakar @ Appu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No. 323 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. 323 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.P.Saravanan

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



Crl.O.P.No.21496 of 2024

115(2), 118(1), 109 of BNS, in Crime No.323 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.07.2024, the petitioner, who was in an inebriated condition, along with other accused persons have abused the defacto complainant using filthy language and also attacked him with a beer bottle, 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 40 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 on the date of the alleged occurrence, due to inebriated condition, the petitioner along with other accused persons, abused



Crl.O.P.No.21496 of 2024

the defacto complainant using filthy language and also attacked him with a beer bottle, causing injuries to him. He further submit that the petitioner has been discharged from the hospital. He further submit that there are four previous cases, 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 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 4 previous cases, in 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)



CrI.O.P.No.21496 of 2024

with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Hosur, 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].

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



WEB COPY

drl



CrI.O.P.No.21496 of 2024

05.09.2024

To

- 1.The Judicial Magistrate No.II,
Hosur.
- 2.The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21496 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.21496 of 2024

05.09.2024