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CrI.O.P.No.21791 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

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

CrI.O.P.No.21791 of 2024

S.Anthoni Raj

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Oomangalam Police Station,
Cuddalore District.
(Crime No. 138 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. 138 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Kavikannan

For Respondent : M/s.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.07.2024, for the alleged offence punishable under Sections 296(b),
118(3), 125, 351(3) of BNS @ under Sections 296(b), 118(3), 125, 351(3)



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and 105 of BNS, in Crime No.138 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.07.2024 at about 15.00 p.m., when the defacto complainant's husband passed by the petitioner's house, due to previous enmity, the mother of the petitioner abused him in filthy language, during which, there was a wordy quarrel, for which, the petitioner along with other accused person attacked the defacto complainant's husband with a weapon on his head, causing grievous injuries to him, admitted in the hospital, and later he died. Hence the case.

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 due to previous enmity, the defacto complainant has foisted a false case against the petitioner. He would further submit that the petitioner was arrested and is in judicial custody for more than 45 days and is ready to



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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 there are totally two accused in this case and the petitioner herein is ranked as A1. He further submit that on the date of the alleged occurrence, due to previous enmity, the petitioner along with other accused person attacked the defacto complainant's husband with stones and weapon, due to which, he sustained grievous injuries, and later he died. He further submitted that the petitioner has no previous cases, pending against him. He further submitted that the investigation was completed and the charge sheet has also been filed. 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 submissions made by the learned counsel on either side, and considering the period of incarceration undergone by the



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petitioner, and the petitioners has no previous cases, pending against him, investigation was completed and the charge sheet has also been filed, 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) with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate Court, Neyveli, and on further conditions that:-

[a] the petitioner shall report before the respondent police concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] 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;



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[c] 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;

[d] the Petitioner shall not abscond 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]; and

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

drl

11.09.2024

P.DHANABAL, J.



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drl

To

- 1.The District Munsif cum Judicial Magistrate Court,
Neyveli.
- 2.The Station House Officer,
Oomangalam Police Station,
Cuddalore District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

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