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Crl.O.P.No.21996 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

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

Crl.O.P.No.21996 of 2024

Mani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-2 Egmore Police Station,
Chennai.
(Crime No. 241 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. 241 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.U.Yuvaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 07.08.2024, for the alleged offence punishable under Sections 296(b), 74,



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351(3) of BNS, 2023, in Crime No.241 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant had illegal intimacy between them. On 06.08.2024, the petitioner, suspecting her character, poured kerosene on her and immediately escaped from the place of occurrence. 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 submits that the petitioner had given some jewels and cash to the defacto complainant, when he questioned her, a wordy quarrel arose between them, during which, she lodged a false complaint against the petitioner. 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and the defacto complainant had illegal intimacy and suspicion over the character of the defacto complainant, the petitioner went to her house, abused her with filthy language, poured kerosene on her, and immediately escaped from the scene of occurrence. He further submit that the petitioner has no 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, nature of offence charged against the petitioner, and also considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case pending against him, 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 XIV Metropolitan Magistrate, Egmore, Chennai, 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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[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



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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.

12.09.2024

drl

To

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

P.DHANABAL, J.



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