



Crl.O.P.No.22108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22108 of 2024

B.Hariharan

...Petitioner/Accused

Vs.

The State, rep. by its
Inspector of Police
K-10, Koyambedu Police Station,
Chennai.
Crime No.610 of 2024.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.610 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Vijayakumar

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



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ORDER

The petitioner/sole accused, who was arrested and remanded to judicial custody on 26.08.2024 for the offences under Sections 296(b), 115(2), 351(3) and 326(g) of the BNS, 2023, in Crime No.610 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner set fire to the shop of the defacto complainant. Due to this, the defacto complainant suffered a loss of Rs.10,000/- (Rupees Ten Thousand Only). Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He also submitted that the petitioner has been in custody since 26.08.2024; that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to previous enmity, the petitioner set fire to the shop of the defacto complainant; and that caused damage to the defacto complainant to the tune of Rs.10,000/- (Rupees Ten Thousand Only). He further submitted that no previous case is pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, the nature of offence, the fact that there are no previous cases pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 learned *V Metropolitan Magistrate Court, Egmore, Chennai*, and on further conditions that:

[a] the petitioner shall report before the respondent police every day at 10.30 a.m. for a period of thirty days and thereafter, as and when required for the interrogation;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] 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;

[d] 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 or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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



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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

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

09.09.2024

dk

To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Sub-Jail
Saidapet,
Chennai.
- 3.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
- 4.The Public Prosecutor
High Court of Madras.



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P.DHANABAL, J.

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