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CrI.O.P.No.21938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

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

CrI.O.P.No.21938 of 2024

K. Venkat @ Venkatachalam

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Attaiyampatty Police Station,
Salem.
(Crime No. 175 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. 175 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S. Sengkodi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.08.2024, for the alleged offence punishable under Sections 132, 121(1)
BNS R/w Section 5 and 25(1)(a) of Arms Act, 1959 in Crime No.175 of



CrI.O.P.No.21938 of 2024

2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner attacked the defacto complainant and attacked him, due to which the defacto complainant was injured. It is also stated that the petitioner threatened the defacto complainant with dire consequences. 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 co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.21938 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to previous enmity, the petitioner threatened the defacto complainant with dire consequences and also attacked him. He further submitted that the injured has been discharged from the hospital. He further submitted that the petitioner has no 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 of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and considering that the petitioner has no previous cases pending against him and the injured discharged from the hospital and also considering all others factors, I am inclined to grant bail to the petitioners, 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.21938 of 2024

with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.IV, Salem, and on further conditions that:-

[a] the petitioner shall report before the Namakkal town Police Station at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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.

06.09.2024

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CrI.O.P.No.21938 of 2024

WEB COPY

To

- 1.The Judicial Magistrate No. IV,
Salem.
2. The Sub-Inspector of Police,
Attaiyampatty Police Station,
Salem
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21938 of 2024

P.DHANABAL, J.

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Crl.O.P.No.21938 of 2024

06.09.2024