



CRL O.P. No.22243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22243 of 2024

Vinoth @ Vinoth Kumar

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
SIPCOT Police Station,
Thiruvallur District.

(Crime No.741 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.741 of 2024, on the file of the respondent.

For Petitioner : Mr.D.Magesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2024 for the offences punishable under Sections 296(b), 132, 109 of BNS, 2023, in Crime No.741 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 20.08.2024 at about 7.45 a.m., when the defacto complainant was on regular vehicle checkup near Gummidipoondi SIPCOT junction, the petitioner along with the other accused was driving a car bearing Regn.No.TN-18-BD-0333 in a rash and negligent manner and when the defacto complainant tried to stop the car, the accused abused the defacto complainant in filthy language and tried to assault him with knife. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence. He would further submit that no one was injured in the alleged incident and the petitioner has been in judicial custody from 20.08.2024. He



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would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that on the date of occurrence, when the defacto complainant was on regular vehicle checkup near Gummidipoondi SIPCOT junction, the petitioner along with the other accused was driving a car bearing Regn.No.TN-18-BD-0333 in a rash and negligent manner and when the defacto complainant tried to stop the car, the accused abused the defacto complainant in filthy language and tried to assault him with knife. He would further submit that there are two previous cases against the petitioner including a murder case. Hence, he raised serious objections to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the nature of offences and that nobody was injured in this case and also considering the number of days of incarceration undergone by the petitioner and that though the petitioner is having some previous cases, he was released on bail in all the cases and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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, Gummidipoondi**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[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;

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



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[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 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.

10.09.2024

ata

To

- 1.The District Munsif cum Judicial Magistrate, Gummidipoondi.
- 2.The Inspector of Police,
SIPCOT Police Station,
Thiruvallur District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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