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CRL O.P. No.22216 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.22216 of 2024

Chithiravel

... Petitioner / Accused - 2

Vs

State rep. by
The Inspector of Police,
Redhills Police Station,
Avadi City.

(Crime No.826 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.826 of 2024, on the file of the respondent.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 24.08.2024 for the offences punishable under Sections 296(b), 118(1), 326(f) and 351(3) of BNS, 2023, r/w Section 4 of TNPPDL Act, 1992, in Crime No.826 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is having a mechanic shop in the name of Perumal Adipatham, and near to his shop, A1 was having auto shed in the name of Arjun Tinkering. While so, on 22.08.2024 at about 10.30 a.m., owing to previous enmity between the accused and the defacto complainant, the petitioner along with the other accused came to the defacto complainant's mechanic shop in an auto, abused him in filthy language, assaulted him with wooden logs and also caused damages to five autos and one two-wheeler. 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 the petitioner is auto driver and in order to



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wreck vengeance against the petitioner due to previous enmity, a false complaint has been lodged. He would also submit that there is no previous case registered against the petitioner and the petitioner has been in custody since 24.08.2024. He would further 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 due to previous enmity between the accused and the defacto complainant, the petitioner along with the other accused came to the mechanic shop of the defacto complainant, abused him in filthy language and assaulted him with wooden logs and also damaged five autos and one two-wheeler and thereby caused loss to the tune of Rs.75,000/-. He would further submit that there is no previous case pending as against the petitioner. However, 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 the number of days of incarceration undergone by the petitioner and also considering that there is no previous case pending against the petitioner 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 **Judicial Magistrate No.II, Ponneri**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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 Judicial Magistrate No.II, Ponneri.
- 2.The Inspector of Police,
Redhills Police Station,
Avadi City.
- 3.Sub Jail, Ponneri.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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