



CRL O.P. No.22832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22832 of 2024

Kumar

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

(Crime No.732 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.732 of 2024, on the file of the respondent.

For Petitioner : Mr.N.Ponraj

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 28.07.2024 for the offences punishable under Sections 296(b), 109 and 351(3) of BNS, 2023, in Crime No.732 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and they were living separately. Owing to matrimonial dispute, the petitioner has picked up quarrel with the defacto complainant and inflicted cut injuries over the neck with the help of blade in order to attempt to murder her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to matrimonial dispute, a false complaint has been given against the petitioner. He would further submit that there is no previous case against the petitioner and the injured has been discharged from the hospital. He would also submit that the petitioner



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has been in custody from 28.07.2024 and 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 matrimonial dispute, the petitioner abused the defacto complainant in filthy language and inflicted injuries on her neck with blade. He would further submit that there is no previous case against the petitioner and the injured has been discharged from the hospital. He would further submit that investigation has been completed and charge sheet has also been filed. However, he raised serious objection to grant bail to the petitioner.

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

6. Considering that the injured has been discharged from the hospital and that no previous case is pending against the petitioner and also taking into consideration the number of days of incarceration



undergone by the petitioner and that investigation has been completed and charge sheet has also been filed and that the relationship between the petitioner and the defacto complainant, 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, Palladam**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on every Monday at 10.30 a.m., for a period of four weeks 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;

[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



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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.

18.09.2024

ata

To

1.The Judicial Magistrate, Palladam.

2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.

3.Central Jail, Coimbatore.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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