



CRL O.P. No.22976 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22976 of 2024

Damodharan

... Petitioner / Accused - 1

Vs

State rep. by
The Inspector of Police,
Sholavaram Police Station.

(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.D.Prasanna Kumar

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 11.09.2024 for the offences punishable under Sections 296(b), 118(1), 326(f), 351(3) of BNS, 2023, 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.



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He would also submit that the petitioner has been in custody since 11.09.2024. He would further submit that A2 was already released on bail by this Court and the injured was also discharged from the hospital 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 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 are two previous cases against the petitioner. He would further submit that the injured has been discharged from the hospital and co-accused was also released on bail by this Court. However, he raised serious objections to grant bail to the petitioner.

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



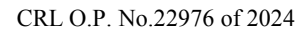
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6. Considering the nature of offences charged against the petitioner and that the number of days of incarceration undergone by the petitioner and that co-accused in this case was already released on bail and considering that the injured was discharged from the hospital and that though the petitioner is having some previous cases, he was released on bail in all the cases, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

6. Considering the nature of offences charged against the petitioner 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 granted bail in all the cases, 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 – 2, Ponneri**, and on further conditions that;



[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;

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

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

19.09.2024

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To

- 1.The Judicial Magistrate – 2, Ponneri.
- 2.The Inspector of Police,
Sholavaram Police Station.
- 3.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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