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Crl.O.P.No.25309 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

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

Crl.O.P.No.25309 of 2024

Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velippalayam Police Station,
Nagapatinam District
(Crime No. 265 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.265 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.C.R. GokulVisvas

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.08.2024, for the alleged offence punishable under Sections 126(2),



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296(b) & 103(1) of BNS in Crime No.265 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.08.2024 at about 7.45 p.m., due to illegal intimacy, there was a previous enmity, between the petitioner and the deceased, the petitioner along with other accused waylaid and scolded the deceased in filthy language and attacked with a knife, as a result, she sustained injuries, was admitted to the hospital, and later died. 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 would further submit that the petitioner was arrested and is in judicial custody for more than 45 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to illegal enmity, there was a previous enmity between the petitioner and the deceased, on the date of the alleged occurrence, the petitioner along with other accused waylaid and scolded the deceased in filthy language and attacked with a knife, as a result, she sustained injuries, and later died. He further submitted that the petitioner has no previous case, pending against him. He further submitted that the investigation in this case is almost completed. Hence, 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 nature of offence, considering the period of incarceration undergone by the petitioner, the petitioner has no previous case, pending against him, investigation was almost completed, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Nagapattinam and on further conditions that:-

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

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

18.10.2024

drl

To

- 1.The Judicial Magistrate Court No.II,
Nagapattinam
- 2.The Inspector of Police,
Velippalayam Police Station,
Nagapattinam District
- 3.The Superintendent,
Pudukkottai Jail.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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