



CRL O.P. No.23187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23187 of 2024

1.Sasikumar
2.Sridhar

... Petitioners / Accused

Vs

State rep. by
The Inspector of Police,
E-2, Royapettah Police Station,
Chennai District.

(Crime No.147 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 Petitioners on bail in Crime No.147 of 2024, on the file of the respondent.

For Petitioners : Mr.K.Vignesh

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



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 26.08.2024 for the offences punishable under Section 191(2), 191(3), 296(b), 118(2), 132, 109 and 351(3) of BNS, 2023, in Crime No.147 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 25.08.2024 at about 10.30 p.m., the petitioners along with the other accused, under the influence of alcohol, created nuisance in the temple festival, when the defacto complainant who is a police constable, questioned the same, the accused abused the defacto complainant in filthy language and attacked him with knife and caused injuries. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have been in custody for more than 24 days. He would further submit that co-accused in this case was released on bail and the injured was discharged from the hospital. He would further submit that the petitioners are ready to abide



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by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners along with the other accused are alleged to have abused the defacto complainant and attacked him with knife and caused injuries. He would further submit that the 1st petitioner is having 14 previous cases and the 2nd petitioner is having 10 previous cases against them. He would further submit that the injured has been discharged from the hospital and co-accused were also released on bail. However, he raised serious objection to grant bail to the petitioners.

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

6. Considering that already the injured was discharged from the hospital, considering the nature of offences and that though the petitioners are having some previous cases, they have been granted bail in all the cases and also taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners subject to the following conditions:



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[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **XVIII Metropolitan Magistrate, Saidapet**, and on further conditions that;

[b] the Petitioners shall report before the Taluk Police Station, Chengalpet, everyday at 10.30 a.m., until further orders.

[c] the Petitioners 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 Petitioners 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 Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To
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- 1.The XVIII Metropolitan Magistrate, Saidapet.
- 2.The Inspector of Police,
E-2, Royapettah Police Station,
Chennai District.
- 3.Central Prison, Puzhal – II.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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