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CrI.O.P.No.23472 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23472 of 2024

G.Rajesh

...Petitioner/Accused No.3

Vs.

The State
Represented by its
Inspector of Police,
Sholavaram Police Station
(Crime No.826 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 826 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Prasanna Kumar

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



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ORDER

The petitioner, who was arrested on 25.08.2024 and remanded to judicial custody on the same day for the offences under Sections 296(b), 118(1), 326(f), 351(3) of BNS and 4 of TNPPDL Act in Crime No. 826 of 2024 on the file of the respondent police, 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 further submit that the petitioner is auto driver and in order to 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 and the co-accused have been released on bail. However, he raised serious objections to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

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 the injured has been discharged from the hospital and also the co-accused have already been released on bail, 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 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 court of ***Judicial Magistrate No.2, 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 attend in accordance with the conditions of the bond;



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[d] The petitioner shall not commit any offence 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;

[f] 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 or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

24.09.2024

vsg

To

1.Judicial Magistrate No.II, Ponneri.

2.Inspector of Police,
Sholavaram Police Station

3.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vsg



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