



Crl.O.P.No.23751 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23751 of 2024

Gowseelan

...Petitioner/Accused

Vs.

The State represented by:-
Station House Officer,
Chidambaram Town Police Station,
Cuddalore District.
Crime No.337 of 2024.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.337 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Ragul Kousik

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2024 for the offences under Sections 296(b) and 351(2) of the Bharatiya Nyaya Sanhita (BNS) 2023 r/w 25(1)(a) of the Arms Act, 1959, in Crime No.337 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant and his son were operating their roadside shop; the petitioner and other accused were creating noise with their two-wheeler silencer. When the de facto complainant questioned the same, the petitioner and other accused threatened the de facto complainant and his son by displaying a lethal weapon such as a knife. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submitted that no one was injured in this case. He further submitted that the petitioner has been in custody since 06.09.2024. He further submitted



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that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the de facto complainant and his son were operating their roadside shop; that the petitioner and other accused were creating noise with their two-wheeler silencer. When the de facto complainant questioned the same, the petitioner and other accused threatened the de facto complainant and his son by displaying a lethal weapon such as a knife. He further submitted that there are four previous cases pending against the petitioner; that no one was injured in this case. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, that there was a wordy quarrel between the parties in the grocery shop, that nobody was injured in this case, that though the petitioner has some previous



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cases, in all cases, he was granted bail, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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 - II, Chidambaram*, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for the interrogation;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;



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[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 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.

26.09.2024

dk

To
1.The Judicial Magistrate II,
Chidambaram.

P.DHANABAL, J.

dk



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2.The Central Jail,
Cuddalore.

3.The Station House Officer,
Chidambaram Town Police Station,
Cuddalore District.

4.The Public Prosecutor
High Court of Madras.

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