



CrI.O.P.No.23794 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23794 of 2024

Abith @ Ajith

...Petitioner/Accused-1

Vs.

The State represented by its,
The Inspector of Police,
T-5, Thiruverkadu Police Station,
Tiruvallur
(Crime No.498 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.498 of 2024 on the file of respondent police.

For Petitioner : Mr.D.Padmanabhan

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



Crl.O.P.No.23794 of 2024

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2024 for the offence under Section 296(b), 115(2), 109, 351(3) of B.N.S Act, 2023 in Crime No.498 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a parking dispute, a quarrel arose between the petitioner and the defacto complainant. Due to which, the petitioner, abused the defacto complainant in filthy language, and assaulted the defacto complainant with deadly weapons. Due to this, the defacto complainant sustained injuries and was admitted to the hospital. 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 further submitted that the petitioner has been in custody since 20.08.2024; 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



Crl.O.P.No.23794 of 2024

the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that due to a parking dispute, a quarrel arose between the petitioner and the de facto complainant. Due to which, the petitioner, abused the de facto complainant in filthy language, and assaulted the de facto complainant with deadly weapons. Due to this, the de facto complainant sustained injuries and was admitted to the hospital. He further submitted that there are eight previous cases pending against the petitioner; that the injured was discharged from the hospital; and that the investigation was also completed. 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 already the investigation was completed, the fact that the injured was discharged from the hospital, that though the petitioner has some previous cases, in all cases, he was granted bail and also taking into consideration the



CrI.O.P.No.23794 of 2024

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, Poonammallee*, and on further conditions that:

[a] the petitioner shall report before the Jurisdictional Magistrate on all working days at 10.30 a.m., for a period of thirty days;

[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;



CrI.O.P.No.23794 of 2024

[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,
Poonammallee.

2.The Central Prison,
Puzhal – II, Chennai.

P.DHANABAL, J.

dk

3.The Inspector of Police,



Crl.O.P.No.23794 of 2024

T-5, Thiruverkadu Police Station,
Tiruvallur.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.23794 of 2024

26.09.2024