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Crl.O.P.No.24300 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

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

Crl.O.P.No.24300 of 2024

Ajith @ Maava Ajith

... Petitioner

Vs.

State represented by,
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai District.
(Crime No. 558 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.558 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.08.2024, for the alleged offence punishable under Sections 115(2),



Crl.O.P.No.24300 of 2024

109(1) of BNS @ 103(1) of BNS, in Crime No.558 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.08.2024 at about 10.00 p.m, due to previous enmity, there was a wordy quarrel, for which, the petitioner attacked the defacto complainant's brother with deadly weapons, due to which, the victim sustained grievous head injuries and was admitted to the hospital, and later he died. Initially, the case was registered under Sections 115(2) and 109(1) of BNS. After 3 days of treatment, the victim died. Thereafter, it has been altered into Section 103(1) of BNS. 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 from 06.08.2024 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.24300 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to previous enmity, on the date of the alleged occurrence, there was a wordy quarrel between the petitioner and the defacto complainant's brother, for which, the petitioner attacked him with deadly weapons, causing severe head injuries, admitted in the hospital and after 3 days of treatment, he died. Initially, the case was registered under Sections 115(2) and 109(1) of BNS and thereafter, it has been altered into Section 103(1) of BNS. He further submitted that the petitioner has no previous case, pending against him. He further submitted that investigation was completed and the charge sheet was also filed. 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 charged against the petitioner, and considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case pending against him, investigation was completed and the charge sheet was also filed, and also considering all others



Crl.O.P.No.24300 of 2024

factors, I am inclined to grant bail to the petitioner, subject to 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 XV Metropolitan Magistrate Court, George Town, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on every working day 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;



CrI.O.P.No.24300 of 2024

WEB COPY

[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 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.

17.10.2024

drl

To

- 1.The XV Metropolitan Magistrate Court,
George Town, Chennai.
- 2.The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal-2, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24300 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.24300 of 2024

17.10.2024