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Crl.O.P.No.24664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

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

Crl.O.P.No.24664 of 2024

Ayyappan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No. 297 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.297 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.09.2024, for the alleged offence punishable under Sections 296(b),



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126(2), 118(1) and 109 of BNS Act, in Crime No.297 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to family dispute, on 05.09.2024, the petitioner along with other accused have abused the defacto complainant by using filthy language, attacked him with a knife and also threatened him with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to family dispute, he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the petitioner was arrested and is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are two accused in this case and the petitioner is arrayed as A1. He further submits that there was a family



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dispute between the petitioner and the defacto complainant, on the date of the alleged occurrence, the petitioner along with other accused person, abused the defacto complainant with filthy language, attacked him with a knife causing injuries to him, and also threatened him with dire consequences. He further submits that the injured was discharged from the hospital. He further submits that the petitioner has 17 previous cases, similar in nature, pending against him. However, 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, considering the period of incarceration undergone by the petitioner, and though the petitioner has 17 previous cases, all are not similar kind of offence and in all the cases, he has been released on bail, injured was discharged from the hospital, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 Judicial Magistrate, Pochampalli, and on further conditions that:-

[a] the petitioner shall appear before the respondent police daily 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;

[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



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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.

15.10.2024

drl

To

- 1.The Judicial Magistrate,
Pochampalli.
- 2.The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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