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CRL O.P. No.24718 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL.OP.No.24718 of 2024

V.Kumaresan,
S/o.Vellapandi

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai-600 013.
[Cr.No.666 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.666 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.09.2024 for the offences punishable under sections 296(b), 115(2), 74, 76, 79 351(3) of BNS and 4 of TNPHW Act in Crime No.666 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused person were assaulted the defacto-complainant and her husband and sustained injury. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The respondent police had registered a false case against this petitioner. In fact, the petitioner has not committed any offence as alleged in the FIR. The petitioner is in judicial custody from 21.09.2024. Hence, he seeks bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused persons were assaulted the defacto-complainant and he sustained injury. The petitioner is having 3 previous cases, all the case are not a similar kind of offence. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the nature of offence and considering that there is a family dispute pending between the parties, the petitioner is having 3 previous cases, all those case are not similar kind of offence and also considering the period of incarceration undergone by the petitioner, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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only) with two sureties, each for a like sum to the satisfaction of the learned

XVI Metropolitan Magistrate, George Town, Chennai and on further conditions that:

[b] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m. for the period of four weeks;

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

[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; and

[e] 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;

[f] the petitioner shall not abscond either during investigation or trial;



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[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

04.10.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn



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P.DHANABAL,J

gvn

To

1.The XVI Metropolitan Magistrate, George Town,
Chennai

2. The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai-600 013.

3. Central Prison-II, Puzhal, Chennai

4.The Public Prosecutor,
High Court, Madras.

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