



Crl.O.P.No.25812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

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

Crl.O.P.No.25812 of 2024

S.Silambarasan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
(Crime No. 250 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.250 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.Kamal

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 17.09.2024, for the alleged offences punishable under Sections 191(2),
296(b), 115(2), 109(1), 287, 324(4), 326(g) of BNS, in Crime No.250 of



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2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.09.2024 at about 1.00 a.m., due to previous enmity, there was a wordy quarrel, between the petitioner and the defacto complainant, for which, the petitioner along with other accused attacked him with knife, as a result, the victim ran to his home and locked himself inside. Subsequently, the accused set fire to the house and caused damaged worth about Rs.50,000/-. 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 further submits that the co-accused was already released on bail by this Court. He further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused in this case and



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the petitioner herein is ranked as A2. He further submits that due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant. On the date of the alleged occurrence, the petitioner along with other accused attacked the defacto complainant with a knife, for which, the victim ran away to his home and locked inside, as a result, the accused set fire on the house, due to which, the defacto complainant's and also nearby four other houses got burnt and damaged, worth Rs.50,000/-. He further submits that the petitioner has three previous cases, pending against him. 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, considering the period of incarceration undergone by the petitioner from 17.09.2024, and though the petitioner has three previous cases, all are not similar kind of offence, in all the cases, he has been released on bail, already co-accused was also released



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on bail by this Court, and also considering all others 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 learned V Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:-

[a] the petitioner shall report 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



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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.

28.10.2024

drl

To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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