



WEB COPY



CrI.O.P.No.25827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.25827 of 2024

Kumaresan Alias Rocky

...Petitioner

Vs.

The State rep by
The Inspector of Police
R6-Ashok Nagar Police Station
Chennai - 83

...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.233 of 2024 on the file of respondent police.

For Petitioner : Mr.G. Vana Narayanan

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



WEB COPY



CrI.O.P.No.25827 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2024 for the offences under Section 194 of BNS @ Section 103 of B.N.S in Crime No.233 of 2024 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that in consequence to the wordy quarrel between the petitioner and the deceased, the petitioner had assaulted the deceased on the left side ear by using the wooden log, thereby he succumbed to death. 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 would further submit that the petitioner is arrested and is in judicial custody from 02.08.2024 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.25827 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner had assaulted the deceased on the left side ear by using the wooden log, thereby he succumbed to death He further submitted that the investigation has been completed and charge sheet also filed and there is no previous case pending against the petitioner.

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

6. Considering the representation made on both sides, nature of offence and the fact that the investigation has been completed and charge sheet also filed and there is no previous case pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners 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 18th Metropolitan Magistrate Court, Saidapet and on further



CrI.O.P.No.25827 of 2024

conditions that:

[a]the petitioner shall report before the concerned Jurisdictional Magistrate, everyday at 10.30 a.m., for a period of 30 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;

[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



CrI.O.P.No.25827 of 2024

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.

19.10.2024

smn

To

- 1.The 18th Metropolitan Magistrate Court, Saidapet
- 2.The Superintendent, Central Prison, Puzhal at Chennai
- 3.The Inspector of Police
R6-Ashok Nagar Police Station
Chennai - 83
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25827 of 2024

P.DHANABAL, J.

smn

Crl.O.P.No.25827 of 2024

19.10.2024