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CrI.O.P.No.26259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.26259 of 2024

Dinesh Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-5 MKB Nagar Police Station,
Chennai.
(Crime No.613 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.613 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Manoj Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 24.09.2024, seeking bail in Crime No.613 of 2024 registered for the offence under Sections 296(b), 115(2), 109 of BNS.



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2. The case of the prosecution is that the accused, due to the previous enmity, abused the de facto complainant in filthy language and attempted to murder her by assaulting with knife and escaped from the place. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 26 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence and has been suffering incarceration from 24.09.2024. He further submitted that the petitioner is not at all present at the scene of occurrence, however, he is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, the petitioner/A2 along with A1 had attempted to murder the de facto complainant, who is running a petty shop, by assaulting her with knife and



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they have also abused her in unparliamentary words. He further submitted that 6 previous cases are pending against the petitioner, hence, he opposed for granting bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **X Metropolitan Magistrate Court, Egmore**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. and 5.30p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]*;

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

04.11.2024

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To

1. The X Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
P-5 MKB Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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