



WEB COPY



Crl.O.P.No.26026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

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

Crl.O.P.No.26026 of 2024

Sakthivel Elumalai

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No. 827 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.827 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Parthasarathy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



Crl.O.P.No.26026 of 2024

on 29.09.2024, for the alleged offence punishable under Sections 296(b), 115(2), 118(1), 109 of BNS, in Crime No.827 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.09.2024 at about 11.00 p.m, when the defacto complainant and his friend were talking near Nagercoil Mines Ground, at that time, there was a wordy quarrel between the petitioner and the defacto complainant. During this quarrel, the petitioner along with other accused abused the defacto complainant with filthy language and also stabbed him with beer bottle, causing injuries to him. 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, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 days 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.26026 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, there was a wordy quarrel between the petitioner and the defacto complainant regarding a love affair of his friend, for which, the petitioner along with other accused, attacked the defacto complainant and his friend with beer bottle, causing injuries to the defacto complainant. He further submits that the injured was discharged from the hospital. He further submits that the petitioner has no previous case, 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, injured was discharged from the hospital, and the dispute between the parties in respect of love affairs, and the petitioner has no previous case, pending against him, and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



CrI.O.P.No.26026 of 2024

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 No.2, Salem, 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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed



CrI.O.P.No.26026 of 2024

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.

21.10.2024

drl

To

- 1.The Judicial Magistrate No.2,
Salem.
- 2.The Inspector of Police,
Karuppur Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.26026 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.26026 of 2024

21.10.2024