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Crl.O.P.No.26289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

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

Crl.O.P.No.26289 of 2024

Kishore

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Baluchettychatram Police Station,
Kanchipuram District.
(Crime No. 230 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.230 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.A.Saranraj

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 13.06.2024, for the alleged offences punishable under Sections 449, 302,



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506(ii) of IPC @ 147, 148, 302, 449, 506(ii) of IPC, in Crime No.230 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity with regard to a temple festival, on 13.06.2024, at about 1.45 a.m., there was a wordy quarrel between the petitioner and the deceased person. Subsequently, the petitioner along with other accused persons entered into the defacto complainant's house and attacked the defacto complainant's son with a knife causing death in front of his parents. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits 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 detention order was set aside by this Court against the petitioner. He would further submit that the petitioner was arrested and is in judicial custody from 13.06.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 6 accused in this case and the petitioner herein is arrayed as A5. He further submit that on the date of the alleged occurrence, due to previous enmity regarding a temple festival, there was a wordy quarrel between the petitioner and the deceased. Subsequently, the petitioner along with other accused persons entered into the defacto complainant's house and attacked the defacto complainant's son with a knife, thereby causing death in front of his parents. He further submit that the investigation was completed and the charge sheet has also been filed. He further submit that the petitioner has no previous case, pending against him. However, 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, detention order was set aside by this Court against the petitioner, investigation was completed and the charge sheet was also filed and now the case is posted for committal, considering the period of incarceration undergone by the petitioner from



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13.06.2024, and the petitioner has no previous case, pending against him, 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 Judicial Magistrate No.I, Kanchipuram, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days 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;



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[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 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.

23.10.2024

drl

To

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



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P.DHANABAL, J.

drl

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