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Crl.O.P.No.25943 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.25943 of 2024

V.Vijayan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
B-2 Thiruvallur Taluk Police Station,
Thiruvallur District.
(Crime No. 435 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.435 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.A.Sathishkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.09.2024, for the alleged offence punishable under Sections 296(b), 109



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of BNS, 2023 in Crime No.435 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Panchayat President at Siruvanur Panchayat President. On 18.09.2024 at about 2.30 p.m., road laying was conducted at Siruvanur, and it was supervised by the defacto complainant's husband, at that time, the petitioner along with other accused questioned the defacto complainant's husband regarding the road laying, due to which, there was a wordy quarrel, as a result, the petitioner along with other accused assaulted him with knife, causing head injury, and he was admitted in the hospital and later discharged. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, he has been falsely implicated in this case. 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 35 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the



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petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally three accused in this case and the petitioner herein is ranked as A2. He further submits that the defacto complainant is the Panchayat President at Siruvanur Panchayat. On the date of the alleged occurrence, due to road laying, there was a wordy quarrel between the petitioners and the defacto complainant's husband, for which, the petitioner along with other accused assaulted him with knife, causing head injury, and he was admitted to the hospital. He further submits that the injured was discharged from the hospital. He further submits 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, injured was discharged from



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the hospital and considering the period of incarceration undergone by the petitioner, 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 Judicial Magistrate No.I, Thiruvallur, 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;



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[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 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.I,
Thiruvallur.
- 2.The Inspector of Police,
B-2 Thiruvallur Taluk Police Station,
Thiruvallur District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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