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Crl.O.P.No.26522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

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

Crl.O.P.No.26522 of 2024

Sakthivel

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore.
(Crime No. 182 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.182 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.A.Anandharaj

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 28.08.2024, for the alleged offences punishable under Sections 109,



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115(2), 118(1), 140(1), 191(2), 191(3), 296(b), 351(3) of BNS @ 109, 115(2), 118(1), 140(1), 191(2), 191(3), 296(b), 351(3) and 60 of BNS, in Crime No.182 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.08.2024 at about 2.00 p.m., due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant, for which, the petitioner along with other accused attacked the defacto complainant by using a iron pipe and knife, thereby causing injuries to him. 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 55 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that there are totally 8 accused in this case and the petitioner herein is arrayed as A2. He further submits that due to previous enmity, there was a wordy quarrel between them, for which, on the date of the alleged occurrence, the petitioner along with other accused attacked the defacto complainant by using a iron pipe and knife, thereby causing injuries to him. He further submits that the injured was discharged from the hospital. He further submit that the petitioner has 5 previous cases, pending against him and investigation was also completed. 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, considering the period of incarceration undergone by the petitioner from 28.08.2024, and though the petitioner has 5 previous cases, all are not similar kind of offence, and in all the cases, he has been released on bail, investigation was also completed and also considering all others



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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 District Munsif cum Judicial Magistrate, Neyveli, 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;

[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against



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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.

24.10.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Neyveli.
- 2.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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