



WEB COPY



CRL O.P. No.26541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26541 of 2024

C.Bharath

... Petitioner

Vs

State rep. by
The Inspector of Police,
E-5 Foreshore Estate Police Station,
Chennai – 600 028.
(Crime No.183 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.183 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.Arun

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



WEB COPY



CRL O.P. No.26541 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2024, for the offences punishable under Sections 105, 115(2), 296(b), 351(3) of BNS Act, 2023 in Crime No.183 of 2024, on the file of the respondent seeks bail.

2.It is to be noted that initially the case was registered under Sections 115(2), 296(b), 351(3), 74 of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998 and subsequent to the death of the alleged victim, the FIR was altered as mentioned above.

3.The case of the prosecution is that the while the defacto complainant's father and his relatives were standing on the road to watch the Temple Festival Procession, they were allegedly abused by the petitioner and by other accused and they had also alleged pulled the defacto complainant's aunt saree and assaulted the victim. As a result, she had sustained grievous injury on her head and she was admitted to the



hospital for treatment and for which an FIR was registered under Sections 115(2), 296(b), 351(3), 74 of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998 and subsequent to her demise, the FIR was altered as mentioned above. Hence, the case.

4.The learned counsel for the petitioner would submit that the petitioner had not pushed the deceased during the occurrence and he had never been involved in any criminal activity in the past and there are no previous cases pending against him. The petitioner is innocent and he has been falsely implicated in this case and he had nothing to do with the alleged offence. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

5.The learned Government Advocate (Crl. Side) would submit that there was a quarrel during temple festival procession and at the time, the petitioner wantonly pushed the victim, which led to demise of the victim. He would further submit that the investigation is at nascent stage. Hence, he vehemently opposed for grant of bail to the petitioner.



WEB COPY

6. Heard both side learned counsel and perused the materials available on record.

7. Considering the nature of offence and that there is no previous case pending against the petitioner and the period of incarceration suffered by the petitioner and also considering all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 *XXIII Metropolitan Magistrate, Egmore* and on further conditions that;

[b] the Petitioner shall report before the respondent police on all working days at 10.30 a.m., until further orders;

[c] 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;

[d] the Petitioner shall not, directly or indirectly, make any



CRL O.P. No.26541 of 2024

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;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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

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

24.10.2024

smv

To

- 1.The XXIII Metropolitan Magistrate, Egmore.
- 2.Central Prison, Puzhal.
- 3.The Inspector of Police,
E-5 Foreshore Estate Police Station,
Chennai – 600 028.



CRL O.P. No.26541 of 2024

4. The Public Prosecutor, High Court, Madras.

WEB COPY

P.DHANABAL,J.

smv

CRL.OP.No.26541 of 2024

24.10.2024