



WEB COPY



Crl.O.P.No.26954 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

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

Crl.O.P.No.26954 of 2024

Mukesh

... Petitioner

Vs.

State represented by,
The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
(Crime No. 635 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.635 of 2024 on the file
of the respondent Police.

For Petitioner : M/s. Mrid Law Firm

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 16.09.2024, for the alleged offences punishable under Sections 191(2),
191(3), 126(2), 296(b), 118(1), 109 of BNS, in Crime No.635 of 2024, on



Crl.O.P.No.26954 of 2024

the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.09.2024 at about 3.45 p.m., due to previous enmity, the petitioner along with other accused waylaid the defacto complainant and under the guise of an enquiry about one Vinoth, they assaulted the defacto complainant with hands 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 30 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 respondent police submitted that there are totally 5 accused in this case and the petitioner herein is arrayed as A3. He further submits that due to previous



Crl.O.P.No.26954 of 2024

enmity, on the date of the alleged occurrence, the petitioner along with other accused waylaid the defacto complainant and enquired about one Vinoth. When the defacto complainant informed that he does not know about him, the petitioner presumed that the defacto complainant is a friend of Vinoth, for which, they assaulted the defacto complainant with hands and a knife, thereby causing injuries to him. He further submits that the injured has been discharged from the hospital. He further submit that the petitioner has 5 previous cases, 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, considering the period of incarceration undergone by the petitioner from 16.09.2024, 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, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



Crl.O.P.No.26954 of 2024

WEB COPY

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 X Metropolitan Magistrate, Egmore, Chennai, 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 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



Crl.O.P.No.26954 of 2024

Kerala [(2005)AIR SCW 5560]; and

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

28.10.2024

drl

To

- 1.The X Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



WEB COPY



Crl.O.P.No.26954 of 2024

Crl.O.P.No.26954 of 2024

28.10.2024