



Crl.O.P.No.27042 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.27042 of 2024

1. Vicky @ Vignesh
2. Ajay @ Batti
3. Harish @ Chinna Harish ...Petitioners/Accused

Vs.

State rep by
The Inspector of Police,
D-3 Ice House Police Station
Chennai.
(Crime No.290 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No. 290 of 2024 on the file of the respondent.

For Petitioners : Mr. U.Yuvaraj

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



Crl.O.P.No.27042 of 2024

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.10.2024 for the offences under Sections 296(b), 115(2), 118(1), 351(3) of BNS in Crime No.290 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the petitioners had attacked the defacto complainant with tiles and caused injuries. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) submitted that due to



Crl.O.P.No.27042 of 2024

previous enmity, the petitioners had attacked the defacto complainant with tiles and caused injuries and hence, he would strongly object to grant bail to the petitioner. He would further submit that the injured has been discharged from the hospital and the petitioners are having some previous cases.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, considering the nature of offences, the injured has been discharged from the hospital and also taking into consideration the period of incarceration undergone by the petitioners from 17.10.2024 and though the petitioners are having some previous cases and in all cases already bail was granted and all those cases are not similar kind of offence, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. Accordingly, the petitioners are ordered to be released on bail



CrI.O.P.No.27042 of 2024

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on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the learned ***II Metropolitan Magistrate, Egmore, Chennai***, and on further conditions that:

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for 30 days;

[c] The petitioners shall attend in accordance with the conditions of the bond;

[d] The petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[e] The petitioners shall not abscond either during investigation or trial;

[f] the petitioners shall not directly or indirectly make any



CrI.O.P.No.27042 of 2024

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inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

28.10.2024

vsg

P.DHANABAL, J.

vsg



Crl.O.P.No.27042 of 2024

WEB COPY

To

1. II Metropolitan Magistrate, Egmore, Chennai.
2. Central Prison, Puzhal-II, Chennai.
3. The Inspector of Police,
D-3 Ice House Police Station
Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27042 of 2024

28.10.2024