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CrI.O.P.No.27184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.27184 of 2024

Nandhakumar

...Petitioner

Vs.

The State rep by
The Inspector of Police
Sathuvachari Police Station,
Vellore District, Tamil Nadu
(Crime No.325 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.325 of 2024 on the file of respondent police.

For Petitioner : Mr.M. Mariappan

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 18.08.2024 for the offences under Sections 132, 331(5) and 351(3) of BNS altered into 132, 331(6) and 351(3) of BNS in Crime No.325 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner in a intoxicated mood trespassed into the Court complex at Vellore and threatened the security staff who is on duty in the Court complex with knife point. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 18.08.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner stating that the petitioner in a intoxicated mood trespassed into the Court complex at Vellore and threatened the security staff who is on duty in the Court complex with knife point. He further submitted that there are 5 previous cases pending against the petitioner.

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

6.Considering the representation made on both sides, nature of offence charged against the petitioner, though there are 5 previous cases pending against the petitioner in all cases already bail was granted to him and all the cases are not similar kind of offences, consideration the period of incarceration undergone by the petitioner and also considering all others factors, this Court is inclined to grant bail to the petitioner with 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



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learned Judicial Magistrate-V, Vellore and on further conditions that:

[a] he petitioners shall report before the concerned Jurisdictional Magistrate at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 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 or tamper with the evidence;

[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



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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.

29.10.2024

smn

To

1.The **Judicial Magistrate-V, Vellore**

2.The Central Prison,**Vellore**

3.The Inspector of Police
Sathuvachari Police Station,
Vellore District

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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