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Crl.O.P.No.27230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27230 of 2024

Santhosh @ Sathoshkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-6, Manali Police Station.

(Crime No.442 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.442 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Madhan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 10.09.2024, seeking bail in Crime No.442 of 2024 registered for the offence under Sections 296(b), 109(1), 351(3) of BNS altered into 296(b), 103(1), 351(3) r/w 3(5) of BNS.



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2. The case of the prosecution as per the de facto complainant is that since her husband and his friends used to fight with the accused in an inebriated condition, there was a previous enmity between them, due to which, on 09.09.2024, when she was coming along with her husband, the accused had indiscriminately assaulted her husband with knife and by intimidating her, escaped from the scene of occurrence. Based on the complaint given by the de facto complainant, the case was registered under Sections 296(b), 109(1), 351(3) r/w 3(5) of BNS. Thereafter, since the de facto complainant's husband died without responding to the treatment, the case has been altered to the offence under Sections 296(b), 103(1), 351(3) r/w 3(5) of BNS.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is the friend of A1 and other than that he has nothing to do with the alleged offence. He also submitted that the petitioner is in custody from 10.09.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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note of the fact that the case has been taken up on the file of the Judicial Magistrate Court, Thiruvottiyur, and also considering that there is no previous case against the petitioner, 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.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvottiyur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned Judicial Magistrate, Thiruvottiyur, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

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



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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]***;

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

07.11.2024

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To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
M-6, Manali Police Station.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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