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Crl.O.P.No.27943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.27943 of 2024

Nawaz

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Hosur Police Station,
Krishnagiri District.
(Crime No. 393 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioner on bail, in Crime No.393 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Varanesh

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 11.07.2024, for the alleged offence punishable under Sections 126(2) and



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109 of BNS, 2023 and under Sections 25(1)(a) of Arms Act, 1959, in Crime No.393 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.07.2024, the petitioner along with other accused, attempted to murder the defacto complainant and attacked the defacto complainant by aruval and caused grievous injuries to him. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody from 11.07.2024 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 the petitioner along with other accused attempted to murder the defacto complainant and attacked the defacto



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complainant by aruval, causing grievous injury to him. He further submits that during investigation, the defacto complainant has been a witness. The accused threatened the witness not to depose the evidence against him and brutally attacked the defacto complainant, abused him with filthy language and also with dire consequences. He further submits that the petitioner is a history sheeter against whom 21 cases are pending against him, out of which, 15 cases have been disposed of. He further submits that investigation was completed and the charge sheet was also filed. Hence, he opposed for granting bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, nature of offence charged against the petitioner, considering the period of incarceration undergone by the petitioner from 11.07.2024, though the petitioner has many previous cases, in some of the cases he has been acquitted and in all other pending cases, he has been released on bail, investigation was completed and the charge sheet was also filed, and also



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considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 learned Judicial Magistrate No.II, Hosur, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days 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;



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[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 Kerala [(2005)AIR SCW 5560]; and

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

20.11.2024

drl

To

1.The Judicial Magistrate No.II,
Hosur.

2.The Inspector of Police,
Hosur Police Station,
Krishnagiri District.

3.The Superintendent,
Central Jail, Salem.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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