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Cr1.O.P.No.27623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

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

Cr1.O.P.No.27623 of 2024

Sahul Hameed
S/oAbdullah

... Petitioner

Vs.

The State represented by
The Inspector of Police
T-5 Kundrathur Police Station
Kundrathur, Kancheepuram District
(Crime No.387 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the Petitioner on bail, in Crime No.387 of 2024, on the file of the
Respondent Police.

For Petitioners : Mr.D.Raja

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed by the Petitioner,
who was arrested and remanded to judicial custody on 15.09.2024, seeking



Cr1.O.P.No.27623 of 2024

bail in Crime No.387 of 2024 registered under Section 296 (b), 126 (2), 118, 109, 351 (3) & 302 of BNS.

2.The case of the prosecution is that the Petitioner along with others accused during a quarrel abused the victim in filthy language and assaulted him with a knife, causing grievous injuries to him. Hence the case.

3.Learned Counsel appearing for the Petitioner submitted that the Petitioner is an innocent person and he has been falsely implicated in this case and there is no other case pending against him. Hence, he prayed for grant of bail to the Petitioner stating that the Petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the Petitioner got hold of the victim during the assault, and hence, he objected for granting bail to the Petitioner.

6.Originally, the victim was taking treatment in a Government



Cr1.O.P.No.27623 of 2024

hospital and later shifted to private hospital. Since the victim is unable to spend for the private hospital again he has been shifted to Government hospital.

7.At this juncture, the learned counsel for the Petitioner submitted that the Petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.15,000/- as non-refundable deposit. Hence, he prayed for grant of bail to the Petitioner.

8.Heard the learned Counsel appearing for the Petitioner and the learned Government Advocate (Cr1. Side) for the respondent Police and perused the materials available on record.

9.On considering the voluntary submission made by the learned counsel for the Petitioner, the Petitioner is directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) as non refundable deposit to the credit of Cr.No.387 of 2024, without prejudice to his rights and contentions before the trial Court.



Cr1.O.P.No.27623 of 2024

WEB COPY

10. Merely, because the Petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

11. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the Petitioner is in custody from 15.09.2024 and there is no previous case pending against the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions.

12. Accordingly, the Petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees ten thousand only)** to the credit of Cr.No.387 of 2024, without prejudice to his rights and contentions before the trial Court and on such deposit, the learned Magistrate, concerned shall disburse the said amount of Rs.15,000/- to the victim on filing proper petition. On production of proof of deposit of the same, the Petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial**



Cr1.O.P.No.27623 of 2024

Magistrate, Sriperumbudur, 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 respondent police, everyday at 06.30 a.m., until further orders;

[c] the Petitioner shall not abscond either during investigation or trial;

[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

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

06.11.2024

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Cr1.O.P.No.27623 of 2024



WEB COPY



Cr1.O.P.No.27623 of 2024

A.D.JAGADISH CHANDIRA.,J.

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To

1.The Judicial Magistrate,
Sriperumbudur

2.The Inspector of Police
T-5 Kundrathur Police Station
Kundrathur
Kancheepuram District

3.The Central Prison
Puzhal

4. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.27623 of 2024

Dated: 06.11.2024