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CrI.O.P.No.27752 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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

CrI.O.P.No.27752 of 2024

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Minjur Police Station,
Avadi City Limit.
(Crime No.568 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.568 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Nagarajan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.10.2024, seeking bail in Crime No.568 of 2024 registered for the offence under Sections 296(b), 115(2), 351(2), 324(4), 326(g) of BNS.



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2. The case of the prosecution is that due to the previous enmity with the driver of the lorry, the petitioner along with other accused, had set fire to the lorry belonging to the de facto complainant. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to the previous enmity, a false complaint has been given against the petitioner. He also submitted that though the incident was happened on 13.10.2024, the complaint has been lodged only on 15.10.2024. He further submitted that the petitioner is in custody from 18.10.2024 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is a Lorry Driver, due to the previous enmity with the driver of the de facto complainant's lorry, by pouring diesel, had set fire to the de facto complainant's lorry. He further submitted that the investigation in this case is still pending, hence, he opposed for grant of bail to the petitioner.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by 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 No.II, Ponneri**, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness during 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 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 No.II,
Ponneri.
2. The Inspector of Police,
Minjur Police Station,
Avadi City Limit.
3. The Superintendent,
Sub Jail, Ponneri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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