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Crl.O.P.No.28080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.28080 of 2024

V.Jayakanth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Elephant Gate Police Station,
Chennai.

(Crime No.229 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.229 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

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 19.10.2024, seeking bail in Crime No.229 of 2024 registered for the offence under Sections 296(b), 126(2), 118(1), 109, 351(3) of BNS.



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2. The case of the prosecution is that the victim had earlier assaulted the first accused, therefore, the first and second accused decided to cause harm to the victim and attacked him with knife, resulting in which, the victim sustained injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A2 was arrested on 19.10.2024 and the respondent has falsely implicated the petitioner in this case. He further submitted that that the petitioner has no connection with the victim whatsoever and the first accused in this case has already been enlarged on bail. Hence, he prayed that the petitioner may be enlarged on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the evidence collected so far incriminate the petitioner. He further submitted that the victim has been discharged from the hospital and further, the co-accused/A1 was arrested and released on bail.



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

6. Considering the fact that the first accused was released on bail and the victim was also discharged from the hospital and also considering 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, George Town, Chennai**, 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 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 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.

11.11.2024

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
Elephant Gate Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal – II,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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