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Crl.O.P.No.28340 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

Crl.O.P.No.28340 of 2024

K.Sanjay

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M2, Madhavaram Milk Colony Police Station,
Avadi City Police,
Chennai – 600 060.
(Crime No.523 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.523 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Sasilie

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.10.2024, seeking bail in Crime No.523 of 2024 registered for the offence under Section 109 of BNS.



CrI.O.P.No.28340 of 2024

2. The case of the prosecution is that due to the previous enmity, the accused had attempted to murder the de facto complainant's brother by assaulting him with beer bottle and wooden log. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 22 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner has only attempted to pacify the quarrel occurred between the victim and the other accused and other than that, the petitioner has not committed any offence as alleged by the prosecution. He further submitted that one of the co-accused has been released on bail and the petitioner, who is in custody from 17.10.2024, is also 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 (CrI.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that due to the previous enmity, the petitioner along with the other accused, had assaulted the brother of the de facto complainant with beer bottle and wooden log and attempted to murder him. He further submitted that three previous cases are



Crl.O.P.No.28340 of 2024

pending against the petitioner.

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 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Madhavaram**, 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 stay at Cuddalore and



CrI.O.P.No.28340 of 2024

report before the Inspector of Police, Cuddalore Old Town Police Station, 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

13.11.2024

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To

1. The District Munsif cum Judicial Magistrate,
Madhavaram.
2. The Inspector of Police,
M2, Madhavaram Milk Colony Police Station,
Avadi City Police,
Chennai – 600 060.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore.



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Crl.O.P.No.28340 of 2024

A.D.JAGADISH CHANDIRA., J.

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