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CrI.O.P.No.28366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

CrI.O.P.No.28366 of 2024

Magesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Crime No.387 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.387 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Samson

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 15.09.2024, seeking bail in Crime No.387 of 2024 registered for the offence under Sections 296(b), 126(2), 118, 109, 351(3) of BNS.



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2. The case of the prosecution is that the accused, due to previous enmity, had 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. He also submitted that the similarly placed co-accused had been granted bail by this Court in CrI.O.P.No.27623 of 2024 dated 06.11.2024 and the petitioner, who is in custody from 15.09.2024, is ready to abide by any stringent condition that may be imposed by this Court. Thereby, 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 to the credit of crime number. 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 the petitioner/A1 along with another accused had abused the victim and attempted to murder him, due to which, he sustained injuries. He further submitted that the injured has been discharged from hospital and also submitted that two previous cases are pending against the petitioner.



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5. Merely because the petitioner deposits a sum of Rs.15,000/- to the credit of crime number, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

7. Taking into consideration the facts and the submissions made by the learned counsel on either side, taking note of the facts that the co-accused has been granted bail by this Court and the petitioner has voluntarily come forward to deposit a sum of Rs.15,000/- to the credit of crime number and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with the similar conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen thousand only)** to the credit of Crime No.387 of 2024, without prejudice to his



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rights and contentions before the trial Court and on such deposit and production of proof, 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 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 report before the respondent Police, everyday at 06.30 p.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]***;



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

9. The petitioner, on depositing the said amount, the learned Magistrate concerned shall disburse the same to the victim on filing undertaking affidavit and proper identification and acknowledgment.

13.11.2024

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To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
3. The Superintendent,
Central Prison - II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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