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Crl.O.P.No.28765 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

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Yettu @ Karthik

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupattur District.
(Crime No. 530 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioner on bail, in Crime No.530 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.C.Elamurugan

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 22.08.2024, for the alleged offence punishable under Sections 126(2),



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103(1), 61(2) and 49 of BNS, 2023 in Crime No.530 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2024 at about 6.00 p.m, when the defacto complainant was playing the drums at the Mariamman Temple festival, a wordy quarrel arose between the petitioner along with other accused persons and the defacto complainant, at that time, the petitioners assaulted the defacto complainant's brother, causing him to fall down and he took out a knife and stabbed him, causing grievous injuries, admitted in the hospital, later he died. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He also submitted that the detention of the petitioner under Goondas was revoked by this Court. He further submit that the petitioner was arrested and is in



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judicial custody from 22.08.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to previous enmity between the petitioner along with other accused persons and the defacto complainant regarding playing of drums in the Mariamman Temple, the petitioners assaulted the defacto complainant's brother, causing him to fall down and he took out a knife and stabbed him, causing severe injuries, admitted in the hospital, later he died. He further submits that the petitioner has one previous case pending against him and the investigation is completed and the charge sheet has also been filed. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, nature of offence, investigation was completed, charge sheet was also filed, detention order against the petitioner has been set aside by this Court, though



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the petitioner has one previous case, in which, he has been released on bail, considering the period of incarceration undergone by the petitioner from 22.08.2024, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 Judicial Magistrate, Vaniyambadi, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

20.11.2024

drl

To

- 1.The Judicial Magistrate,
Vaniyambadi.
- 2.The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupattur District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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