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Crl.O.P.No.29034 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

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

Crl.O.P.No.29034 of 2024

Jayaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-5, Sholavaram Police Station.
Chennai – 600 067.
(Crime No.891 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.891 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Thiruvalluvan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who were arrested and remanded to judicial custody on 26.10.2024, seeking bail in Crime No.891 of 2024 registered for the offence under Sections 191(2) and 105 of BNS.



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2. The case of the prosecution is that due to the road rage, there was a scuffle between the victim/deceased, who is the driver of the lorry and the accused and during such time, the victim/deceased fell down and became unconscious. Later, he was declared dead. Thereby, based on the complaint given by the Village Administrative Officer, Kummanur, the present case came to be registered under Sections 191(2) and 105 of BNS. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A3 is an innocent person and he has been falsely implicated in this case. He further submitted that the incident had happened only during the scuffle and during which, no weapon was used. He also submitted that similarly placed co-accused have been released on bail by this Court in Crl.O.P.No.26744 of 2024 dated 25.10.2024. Hence, he prayed for grant of bail to the petitioner stating that the petitioner, who is suffering incarceration from 26.10.2024, is ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner/A3, submitted that due to the road rage, the accused had pushed the victim/deceased down, due to which, he fell down and died. He also submitted that there is no previous case against the petitioner.

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

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 and that the co-accused have been granted bail by this Court, 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)**



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with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Ponneri, Tiruvallur District**, 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 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation;

[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]***;



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

21.11.2024

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To

1. The Judicial Magistrate No.II,
Ponneri, Tiruvallur District.
2. The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai - 600 067.
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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