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CrI.O.P.No.28981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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

CrI.O.P.No.28981 of 2024

Naveen Sundar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.
(Crime No.474 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.474 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 03.11.2024 seeking bail in Crime No.474 of 2024 registered for the offences under Sections 191(2), 191(3), 118(1), 109 of BNS.



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2. The case of the prosecution is that the accused, in the guise of asking direction to the de facto complainant, approached him and assaulted both the de facto complainant and his friend with knife causing injuries and escaped from the scene of occurrence in a bike. Hence the case.

3. Learned Senior 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 is a student pursuing M.C.A. in Dwaraka Doss Goverdhan Doss Vaishnav College and other than having given lift to the main accused, he had not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in custody from 03.11.2024 and hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the accused had attempted to murder the de facto complainant and his friend by assaulting them with knife, due to which, one of the injured got paralyzed. He also



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submitted that the specific overt act against the petitioner is that he had given lift to the other accused and helped them to escape from the scene of occurrence. He further submitted that the injured have been discharged from hospital and further, there is no previous case against the petitioner.

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

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the specific overt act against the petitioner and that there is no previous case against 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 **Judicial Magistrate No.IV, Vellore**, and on further conditions that:



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[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 Chennai and report before the Inspector of Police, K8, Arumbakkam Police Station, 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]***;

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

20.11.2024

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To

1. The Judicial Magistrate No.IV,
Vellore.
2. The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA.,J.

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