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Crl.O.P.No.30029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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

Crl.O.P.No.30029 of 2024

Joseph @ Balaji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kannankurichi Police Station,
Salem City.
(Crime No.748 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with the Crime No.748 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Franklin

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

ORDER

Petition seeking bail in respect of Crime No.748 of 2024 registered for the offences punishable under Sections 332(b), 296(b), 118(1), 109, 351(3), 303(2) of BNS is on board for consideration.



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2. The incarceration of the petitioner being from 29.09.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that this is the second application for bail filed by the petitioner before this Court and his first bail application in CrI.O.P.No.27731 of 2024 was dismissed on 06.11.2024. He further submits that the petitioner, aged about 20 years, has nothing to do with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that due to some misunderstanding between the petitioner/accused and the de facto complainant, who is the petitioner's Advocate, the accused had trespassed into the de facto complainant's house, abused him in filthy language and assaulted both the de facto complainant and his wife with knife causing injuries. Further, the accused had also taken away the de facto complainant's scooter with him. He also submits that this is the second application for bail filed by the petitioner before this Court and four previous cases including the murder



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cases are pending against the petitioner. Therefore, if the petitioner is released on bail, there is a possibility of him absconding and not available for further investigation.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and 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, Salem**, 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 Chennai and report before the Inspector of Police, E-1 Mylapore Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

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To

1. The Judicial Magistrate No.IV,
Salem.
2. The Inspector of Police,
Kannankurichi Police Station,
Salem City.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
E-1 Mylapore Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA.,J.

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