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Crl.O.P.No.29378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

Crl.O.P.No.29378 of 2024

1. Karthick @ Gate Karthick
2. Vijayakumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
H-8 Thiruvottiyur Police Station.
(Crime No.1062 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in
connection with Crime No.1062 of 2024, pending investigation on the file of the
respondent Police.

For Petitioners : Mr.M.Mahendran

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

ORDER

Petition seeking bail in respect of Crime No.1062 of 2024 registered for
the offences punishable under Sections 191(2), 191(3), 126(2), 296(b), 115(2),
308(2), 109 and 351(3) of BNS r/w Section 25(1A) of Arms Act is on board for
consideration.



CrI.O.P.No.29378 of 2024

WEB COPY

2. The incarceration of the petitioners being from 17.09.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that it is true that the petitioners have several previous cases and in order to keep the petitioners under fetters, the respondent had foisted the present case against them. He also submits that a reading of the First Information Report would also show that the present case was registered in order to detain the petitioners under Act 14 and subsequently, they were detained pursuant to the orders passed by the Commissioner of Police, Greater Chennai, however, the orders were revoked by the Advisory Board on 18.11.2024. He further submits that the petitioners are no way connected with the alleged offence and they are 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 the accused had demanded mamool from the de facto complainant, who is working as a Supervisor in a construction company, while his company was doing construction works for D-Mart and since the de facto complainant refused to pay the amount, the accused had abused and assaulted the de facto



CrI.O.P.No.29378 of 2024

complainant and also threatened him with dire consequences. He also submits the petitioners are B category history sheeters having 11 and 6 previous cases respectively. Therefore, if the petitioners are released on bail, there is every possibility of them absconding and not available for further investigation.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvottiyur**, 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 petitioners shall stay at Nagapattinam and



CrI.O.P.No.29378 of 2024

**appear before the learned Judicial Magistrate No.I,
Nagapattinam, on all working days at 10.30 a.m., until
further orders;**

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

[d] the petitioners 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 petitioners in accordance with law as if the
conditions have been imposed and the petitioners 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 abscond, a fresh FIR can
be registered under Section 269 of B.N.S.

27.11.2024

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CrI.O.P.No.29378 of 2024

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To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Judicial Magistrate No.I,
Nagapattinam.
3. The Inspector of Police,
H-8 Thiruvottiyur Police Station.
4. The Superintendent,
Central Prison - II,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29378 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.29378 of 2024

27.11.2024