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Crl.O.P.No.29736 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.29736 of 2024

Akash

... Petitioner

Vs.

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

For Petitioner : Mr.M.R.Thangavel

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

ORDER

Petition seeking bail in respect of Crime No.474 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 118(1), 109 of BNS is on board for consideration.



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2. The incarceration of the petitioner being from 03.11.2024 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 the first bail application in Crl.O.P.No.28354 of 2024 was dismissed on 13.11.2024. He further submits that the petitioner, aged about 20 years, is a student pursuing B.C.A in SRM Arts and Science College, Chennai and also submits that initially the case was registered against unknown persons and later, the petitioner was implicated only based on the suspicion. He also submits that the petitioner is in no way connected with the alleged offence and even he is not present at the scene of occurrence, however, he is suffering incarceration till date. He further submits that the co-accused in this case have been released on bail by this Court in Crl.O.P.Nos.28981 & 29440 of 2024 and the petitioner 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 the petitioner along with other accused, in the guise of asking direction to the de facto complainant, approached him and attempted to murder



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both the de facto complainant and his friend by assaulting them with knife causing injuries and escaped from the scene of occurrence in bikes. He further submits that due to such incident, one of the injured got paralyzed and despite being discharged from hospital, he is taking treatment. He also submits that the petitioner is arrayed as A1 in this case and this is his second application for bail and there is no previous case against the petitioner. He further submits that the specific overt act against the petitioner is that he had instructed the other accused to commit the offence. Therefore, if he 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 also 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, 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, H2 Guduvancheri 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.

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To

1. The Judicial Magistrate No.IV,
Vellore.
2. The Inspector of Police,
Vellore North Police Station,
Vellore District.
3. The Superintendent,
Central Prison, Thorapadi,
Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
H2 Guduvancheri Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA.,J.

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