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Crl.O.P.No.29570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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

Crl.O.P.No.29570 of 2024

Naveen @ Naveenkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.530 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.530 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

Petition seeking bail in respect of Crime No.530 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) & 109 of BNS is on board for consideration.



Crl.O.P.No.29570 of 2024

WEB COPY

2. The incarceration of the petitioner/A4 being from 31.10.2024 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 the petitioner, aged about 20 years, is no way connected with the alleged offence and the similarly placed co-accused has been granted bail by this Court in Crl.O.P.No.29336 of 2024 dated 25.11.2024 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 due to previous enmity, the petitioner and other accused had abused the de facto complainant and his son in filthy language and attempted to murder them by assaulting with knife, wooden log and iron rod causing grievous injuries. He also submits that injured persons have been discharged from hospital and there is no previous case against the petitioner.

4. Having heard the learned counsel for the petitioner and the



CrI.O.P.No.29570 of 2024

learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and also considering that the injured have been discharged from the hospital and that there is no previous case against 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.II, 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 report before the respondent Police, 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



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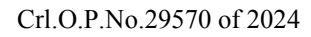
CrI.O.P.No.29570 of 2024

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.

26.11.2024

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1. The Judicial Magistrate No.II,
Salem.
2. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29570 of 2024

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.29570 of 2024

26.11.2024