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Crl.O.P.No.30681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

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

Crl.O.P.No.30681 of 2024

K.Rajkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sankari Police Station,
Salem District.
(Crime No.451 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.451 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Sudharsan

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

ORDER

Petition seeking bail in respect of Crime No.451 of 2024 registered for the offences punishable under Sections 109(1) & 296(b) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 06.11.2024 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 earlier bail application was dismissed on 21.11.2024. He further submits that now the petitioner's wife is pregnant and the petitioner has to take care of her. He also submits that the major part of the investigation is over and the petitioner, who is working as a College Professor, 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 since the petitioner used to quarrel with his wife, the parents of the de facto complainant, who are the neighbours to the petitioner, had supported the petitioner's wife and questioned him, thereby, the petitioner developed a grudge against them and on account of which, on the alleged date of occurrence, the petitioner had gone to the de facto complainant's house, abused the de facto



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complainant's father and attempted to murder him by assaulting with hammer. He further submits that this is the second application for bail filed by the petitioner and the investigation in this case is still pending.

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.I, Sankagiri**, 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 Salem and report before the Inspector of Police, Fairlands Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police, until further



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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.

06.12.2024

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To

1. The Judicial Magistrate No.I,
Sankagiri.
2. The Inspector of Police,
Sankari Police Station,
Salem District.
3. The Superintendent,
Sub Jail, Sankagiri,
Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Fairlands Police Station,
Salem.



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A.D.JAGADISH CHANDIRA.,J.

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