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CrI.O.P. No. 30305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

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

CrI.O.P.No. 30305 of 2024

Hariharan

... Petitioner

Vs.

State rep. by
Inspector of Police,
P2 Otteri Police Station,
Chennai District.
(Cr.No.1241 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/accused (A-5) on bail in connection with the Crime No. 1241 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K. Gandhi Kumar

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

ORDER

Petition seeking bail in respect of Crime No.1241 of 2024 registered for the offences punishable under Sections 296(b), 191(2), 191(3), 125, 223(b), 132, 109, 351(3) of BNS r/w Section 71(xiv) of Tamil Nadu City Police Act, 1888 and



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Section 25(1-A) of Arms Act, 1959 is on board for consideration.

2.The incarceration of the petitioner being from 19.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offences 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 the petitioner along with other accused, were involved in flying kites using poisonous substances violating the order of Commissioner of Police endangering public life. When the de facto complainant, who is the Sub Inspector of Police attached to the respondent Police Station, warned the petitioner and others stating that strict legal action would be taken against them, the petitioner and others hurled abuses in filthy language and also tried to attack the de facto complainant with knife.

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 nature of allegation and the period of incarceration undergone by the petitioner, this Court is inclined to grant



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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 **X Metropolitan Magistrate, Egmore**, 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 10.30 a.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]***;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. Inspector of Police,
P2 Otteri Police Station,
Chennai District.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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