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CrI.O.P.No.30691 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

CrI.O.P.No. 30691 of 2024

1. Ashok

2. Mictachu

... Petitioners

Vs.

The State rep. by Inspector of Police,
Vellore North Police Station,
Vellore, Tamil Nadu. (Cr.No. 474 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail pending
investigation in Crime No.474 of 2024 on the file of the respondent.

For Petitioners : Mr.B.J. Santhoshkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.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) and 109 BNS,
2023 is on board for consideration.

2.The incarceration of the 1st petitioner being from 15.11.2024 and the



CrI.O.P.No.30691 of 2024

2nd petitioner from 18.11.2024, pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offences 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 petitioners along with others, while going on a two wheeler, enquired the de facto complainant about nearby wine shop for which the de facto complainant said that he was not aware, following which, an altercation ensued between the de facto complainant and the petitioners during which the petitioners assaulted the de facto complainant with a knife and he sustained head injury.

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 considering 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 a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (out of the two sureties one should be



Cr1.O.P.No.30691 of 2024

either Mother or Father of the petitioner) each for a like sum to the satisfaction of the learned Judicial Magistrate IV, Vellore, 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 report before the respondent Police, everyday at 06.30 p.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.

10.12.2024

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Crl.O.P.No.30691 of 2024

A.D.JAGADISH CHANDIRA., J.

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To

1. The Judicial Magistrate IV, Vellore.
2. The Inspector of Police,
Vellore North Police Station,
Vellore, Tamil Nadu.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30691 of 2024

10.12.2024