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Crl.O.P.No.30932 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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

Crl.O.P.No.30932 of 2024

Venkatesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thimiri Police Station,
Ranipet District.
(Crime No.333 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.333 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Thirumoorthy

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

ORDER

Petition seeking bail in respect of Crime No.333 of 2024 registered for the offences punishable under Sections 296(b), 115(2), 109(1), 351(2) of BNS @ Sections 296(b), 115(2), 109(1), 351(2) and 103(1) of BNS, is on board for



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consideration.

2. The incarceration of the petitioner being from 23.10.2024 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 incident was happened during a scuffle and even as per the prosecution, the victim/deceased was assaulted with hands and legs and no weapons were used. He further submits that the incident was occurred on 19.10.2024 and the complaint was given only on 21.10.2024 and victim died on 25.10.2024 and further, the first accused in this case has also been detained under the Tamil Nadu Act 14. He also submits that the co-accused has been granted bail by this Court in Crl.O.P.No.30023 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 on 19.10.2024, there was a wordy quarrel between the de facto complainant and the accused, since accused 1 & 2, who had come in a two wheeler, hit against the de facto complainant's two wheeler, and thereafter, since



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both the de facto complainant and the petitioner sustained simple injuries, they went to the nearby clinic, wherein, there aroused a quarrel between them, during which, the accused had abused the de facto complainant and his friend Vinoth, assaulted the de facto complainant's friend/victim in his stomach with hands and legs, in which, the victim sustained injuries and admitted to the hospital.

4. He further submits that based on the complaint given by the de facto complainant, the present case was registered on 21.10.2024 for the offences under Sections 296(b), 115(2), 109(1), 351(2) of BNS and later, the victim died without responding to the treatment on 25.10.2024, thereby, the case has been altered to one under Sections 296(b), 115(2), 109(1), 351(2) and 103(1) of BNS. He further submits that the case is under investigation and the first accused in this case was detained under the Tamil Nadu Act 14.

5. 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 and that the co-accused has been enlarged on bail, 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



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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 **District Munsif cum Judicial Magistrate No.I, Walajahpet**, 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]***;

[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 District Munsif cum Judicial Magistrate No.I,
Walajahpet.
2. The Inspector of Police,
Thimiri Police Station,
Ranipet District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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