



WEB COPY



Crl.O.P.No.30737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

Crl.O.P.No.30737 of 2024

Nandhakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Magudanchavady Police Station,
Salem District.

(Crime No.318 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.318 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.318 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 109 & 351(3) of BNS, is on board for consideration.



Crl.O.P.No.30737 of 2024

2. The incarceration of the petitioner/A5 being from 04.11.2024 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 further submits that the petitioner is in no way connected with the alleged offence and he was implicated in this case only based on the confession statement recorded from the other accused. He also submits that 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 accused abused the de facto complainant in filthy language and attempted to murder him by assaulting him with knife and machete. He further submits that the injured has been discharged from the hospital, however, he is taking treatment and the investigation is still pending. He also submits that there is no previous cases against the petitioner/A5.

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



CrI.O.P.No.30737 of 2024

bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, 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 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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released onbail 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]***;



WEB COPY



Crl.O.P.No.30737 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

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

10.12.2024

ham

To

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

Crl.O.P.No.30737 of 2024