



Crl.O.P.No.31251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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

Crl.O.P.No.31251 of 2024

Jeeva

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Kitchipalayam Police Station,
Salem District.

(Crime No.531 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.531 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Ms.S.SenGkodi

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

ORDER

Petition seeking bail in respect of Crime No.531 of 2024 registered for the offence punishable under Sections 296(b), 127(2) and 109 of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 01.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. She further submits that this is the second application for bail filed by the petitioner before this Court and his first bail application in CrI.O.P.No.29458 of 2024 was dismissed on 25.11.2024. She also submits that the petitioner has nothing to do with the alleged offence 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 due to previous enmity, the petitioner along with his family members, abused the de facto complainant in filthy language and attempted to murder him by assaulting him with knife and the specific overt act against the petitioner is that he caught hold of the victim's hands. He further submits that the injured has been discharged from the hospital and the case is under investigation. He also submits that out of 11 previous cases registered against him, he was convicted in 7 cases. He further submits that this is the petitioner's second bail application.



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4. Having heard the learned counsel for the petitioner, 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.II, Salem**, 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 Chennai and report before the Inspector of Police, B1 North Beach Police Station, Chennai, 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



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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.

16.12.2024

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To

1. The Judicial Magistrate No.II,
Salem.
2. The Sub-Inspector of Police,
Kitchipalayam Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
B1, North Beach Police Station,
Chennai.

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