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CrI.O.P.No.31047 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

CrI.O.P.No.31047 of 2024

T.Dharmalingam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ayilpatty Police Station,
Namakkal District.

(Crime No.100 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.100 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Nalliyappan

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

ORDER

Petition seeking bail in respect of Crime No.100 of 2024 registered for the offence punishable under Sections 124(1) and 109 of BNS, is on board for consideration.



CrI.O.P.No.31047 of 2024

WEB COPY

2. The incarceration of the petitioner being from 10.10.2024 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 further submits that due to previous enmity, a false complaint has been given against the petitioner on 10.10.2024, at 19.00 hours and the petitioner understands that the victim had been taken to the hospital at night hours, where, the victim is said to have informed the Doctor that the injury was happened during the accidental fall of acid over the right side of his body. He also submits that the victim has been discharged from the hospital and major part of the investigation is over. He further 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 the petitioner had attempted to murder the victim by hurling acid on him, since the victim had questioned the petitioner about his illegal relationship. He further submits that the injured has been discharged from the hospital.

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 including the case diary file and considering the



CrI.O.P.No.31047 of 2024

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, Rasipuram**, 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] It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police, until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



CrI.O.P.No.31047 of 2024

A.D.JAGADISH CHANDIRA.,J.

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[f] 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]***;

[g] 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,
Rasipuram.
2. The Inspector of Police,
Ayilpatty Police Station,
Namakkal 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.

CrI.O.P.No.31047 of 2024