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Crl.O.P.No.31035 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.31035 of 2024

Balaji Rajashekar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chintadripet Police Station,
Chennai City.

(Crime No.250 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.250 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.H.Rajasekar

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

ORDER

Petition seeking bail in respect of Crime No.250 of 2024 registered for the offence punishable under Sections 296(b) and 109(2) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 26.10.2024 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 the petitioner, who is a friend of the victim, is taking treatment for his mental illness from one Dr.Nambi and on the alleged date of occurrence, since the victim had quarrelled with the petitioner, the incident had happened. He also submits that the petitioner is a graduate from a reputed college and further, the petitioner's father undertakes that he will take care of his son/petitioner and he will continue to give necessary medical treatment for his son. 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 the petitioner and the victim are friends and the petitioner, who used to demand money from the victim for drinking, had attempted to murder the de facto complainant's son/victim by stabbing him with knife. He further submits that since the petitioner is suffering with mental disorder called Impulse Control Disorder, the learned Principal Sessions Judge, Chennai, while dismissing the petitioner's bail application, had directed the Prison Authorities to produce the



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petitioner before the Institute of Mental Health (IMH), Kilpauk and give necessary treatment and if no treatment is required, obtain certificate and to report before the Court. Pursuant to the same, the petitioner was produced before the Assistant Professor of Psychiatry, IMH, Kilpauk and necessary treatment has been given to him and thereafter, the Civil Assistant Surgeon, Central Prison Hospital, diagnosed him and certified that the petitioner's current medical condition is good.

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 medical Report and taking into consideration the medical condition of the petitioner and 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 (one of the surety should be the father of the petitioner)**, each for a like sum to the satisfaction of the learned **XIV Metropolitan Magistrate, Egmore**, 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



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a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police as and when required for interrogation;

[c] the petitioner's father shall file an Affidavit of Undertaking before the satisfaction Court stating that he will take care of the petitioner and he would provide necessary medical treatment to him;

[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;

[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



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1. The XIV Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
Chintadripet Police Station,
Chennai City.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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