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Crl.O.P.No.31552 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31552 of 2024

Adhiguru

... Petitioner

Vs.

The State represented by,
The Station House Officer, Inspector of Police
Muthandikuppam Police Station,
Cuddalore District.
(Crime No.195 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.195 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Siva Kumar

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

ORDER

Petition seeking bail in respect of Crime No.195 of 2024 registered for the offences punishable under Sections 296(b), 118(1) & 109(1) of BNS and later, altered to one under Sections 191(2), 191(3), 296(b), 115(2), 127, 118(1), 109(1) & 351(3) of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A3 being from 19.11.2024 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 even the name of the petitioner does not find place in the First Information Report, however, he was arrested only based on the confession recorded from the co-accused. He also submits that the similarly placed co-accused/A5 has been granted bail by this Court in Crl.O.P.No.31102 of 2024 dated 13.12.2024 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 due to previous enmity, the accused abused the de facto complainant and his friend in filthy language and assaulted them with hands and a pen knife causing injuries and also threatened them with dire consequences. He further submits that the injured have been discharged from the hospital and the investigation in this case is still pending. He also submits that eleven previous cases are pending against the petitioner.



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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 and that the similarly placed co-accused has been enlarged on bail by this Court, 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 (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.I, Panruti**, 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;



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A.D.JAGADISH CHANDIRA.,J.

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[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];***

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

18.12.2024

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To

1. The Judicial Magistrate No.I,
Panruti.
2. The Station House Officer, Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
3. The Superintendent,
Sub Jail, Panruti.
4. The Public Prosecutor,
High Court of Madras.

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