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Crl.O.P.No.31739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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

Crl.O.P.No.31739 of 2024

Aravind

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District.

(Crime No.825 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.825 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

Petition seeking bail in respect of Crime No.825 of 2024 registered for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS @ Section 103(1) of BNS, is on board for consideration.



CrI.O.P.No.31739 of 2024

2. The incarceration of the petitioner being from 02.11.2024 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 on 31.10.2024, the de facto complainant's father/victim, in an inebriated condition, had created a ruckus in a bar, where, the petitioner was working as a bartender, during such time, the petitioner attempted to pacify the victim, however, there arose a quarrel between the petitioner and the victim/deceased and on the spur of the moment, the petitioner assaulted the victim. He also submits that the incident occurred only during the scuffle and the petitioner has no intention or motive to cause the death of the de facto complainant's father. He also submits that even as per the prosecution, the incident happened on 31.10.2024, whereas, the complaint was lodged only on 02.11.2024. 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 since the de facto complainant's father, in an inebriated condition, quarrelled with the petitioner in a bar, the petitioner, who was working as a bartender, had assaulted the de facto complainant's father/victim with a beer



Crl.O.P.No.31739 of 2024

bottle and due to which, the victim sustained injuries and died without responding to the treatment. He further submits that the investigation in this case is still pending and there is no previous case against the petitioner.

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 facts of the case 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** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sulur**, 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;



WEB COPY



Crl.O.P.No.31739 of 2024

A.D.JAGADISH CHANDIRA.,J.

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[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 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.

19.12.2024

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To

1. The Judicial Magistrate,
Sulur.
2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.31739 of 2024