



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3744 of 2025

Balu

... Petitioner/ Accused

Vs.

State through
The Sub Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham,
Vellore District.
(Crime No.09 of 2025)

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.09 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Govindasamy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 16.01.2025, seeking bail in Crime No.09 of 2025 registered for the offence under Sections 296(B) & Section 109(1) of BNS 2023 (IPC 294 & 307).



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2.The case of the prosecution is that, due to previous enmity, petitioner along with other accused attacked the defacto complainant using knife, as a result, the defacto complainant sustained cut injuries. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 16.01.2025. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the injured victim has been discharged from the hospital, however, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



6.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Gudiyatham** 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 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[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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[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.

14.02.2025

Sma

Copy to:

1. The Judicial Magistrate,
Gudiyatham.
2. The Sub Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham,
Vellore District.
3. The Superintendent,
SubJail, Gudiyatham.
4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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