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Crl.O.P.No.32090 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

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

Crl.O.P.No.32090 of 2024

Jana @ Janarthanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore North L & O Police Station,
Vellore.
(Crime No.492 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.492 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

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

ORDER

Petition seeking bail in respect of Crime No.492 of 2024 registered for the offences punishable under Sections 309(4), 311 and 351(3) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 28.11.2024 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 that the present case is a foisted one and the respondent had implicated the petitioner in this case, in order to keep him under fetters. 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 put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that when the de facto complainant, who is running a petty shop, had refused to give mamool as demanded by the accused, the accused had abused him in filthy language and extorted a sum of Rs.1000/- from him at knife point and also threatened the public with dire consequences. He further submits that eight previous cases are pending against the petitioner, therefore, if he is released on bail, there is every possibility of him absconding and not available for further investigation.

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 period of incarceration



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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 of the sureties should be a blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.IV, Vellore**, 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;

[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]***;



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A.D.JAGADISH CHANDIRA.,J.

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

08.01.2025

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To

1. The Judicial Magistrate No.IV,
Vellore.
2. The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

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