



CRL OP(MD). No.10893 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10893 of 2024

1.Arunkumar

2.Satheesh

... Petitioners/ Accused Nos.2 and 3

Vs

The Inspector of Police,
Balamedu Police Station,
Madurai District.
Cr.No.163/2024.

... Respondent/Complainant

For Petitioners : Mr.K.S.Kathiravan
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C. / Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023

PRAYER :-

For Bail in Crime No. 163/2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/ Accused, who were arrested and remanded to judicial custody on 11.07.2024 for the offence punishable under Sections 191(2) of the Bharatiya Nyaya Sanhita, 2023 r/w. Section 5 and 25(1)(a) of Arms Act, in Crime No.163 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused celebrated the birthday of A1 and at that time, they were used Aruval for cutting the cake and also crackers and used a word “Veera Parambarai”. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR. Further, the petitioners are in judicial custody from 11.07.2024 and hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioners are having any previous case. He would further submit that investigation of the case is pending and hence, stongly opposed to grant bail to the petitioners.



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5.Considering the facts and circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatty.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required;

(iii)the petitioners shall not tamper with evidence or witness;



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iv)the petitioners shall not abscond during trial.

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v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/07/2024

/ TRUE COPY /

22/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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4 THE INSPECTOR OF POLICE,
BALAMEDU POLICE STATION,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.S.KATHIRAVAN, Advocate (SR-8194[I] dated 19/07/2024)

ORDER IN
CRL OP(MD) No.10893 of 2024
Date :19/07/2024

SS/SAR- /22/07/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023