



CRL OP(MD). No.10880 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

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

CRL OP(MD). No.10880 of 2024

Sathish

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No. 237/2024.

... Respondent/ Complainant

For Petitioner : D.Rajaboopathy,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 237 of 2024 on the file of the respondent police.



CRL OP(MD). No.10880 of 2024

ORDER : The Court made the following order :-

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The petitioner/A2, who was arrested and remanded to judicial custody on 09.07.2024 for the offences punishable under Sections 126(2), 296(b), 115(2), 351(3) of BNS Act @ 115(2), 126(2), 296(b), 351(3) & 49 of BNS Act and Section 25(1A) of Arms Act, in Crime No.237 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to civil dispute, the petitioners along with other accused, attacked the defacto complainant with deadly weapons and threatened him and the public with dire consequences by showing the same. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocents and he has not committed any offence as mentioned in the FIR. He would further submit that it is a case and case in counter and the petitioner is in judicial custody from 09.07.2024. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage and the petitioner is having 3 previous cases. But, however, he fairly conceded that it is a case and case in counter.



CRL OP(MD). No.10880 of 2024

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5.Considering the period of incarceration and also considering the fact that it is a case and case in counter, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate Court, Periyakulam, Theni District.

(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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

iv)the petitioner shall not abscond during trial;



CRL OP(MD). No.10880 of 2024

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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 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];

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

sd/-
26/07/2024

/ TRUE COPY /

26/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate,
Periyakulam, Theni District..
2. Do-Through The Chief Judicial Magistrate,
Theni District.



CRL OP(MD). No.10880 of 2024

3. The Superintendent, District Jail,
Thegampatti, Theni..

4. The Inspector of Police,
Devadanapatti Police Station, Theni District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-8712[I] dated 26/07/2024)

ORDER

IN

CRL OP(MD) No.10880 of 2024

Date :26/07/2024

RD(26/07/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.