



CRL OP(MD). No.11355 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

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1. Santhanakumar
2. Santhosh

... Petitioners/ Accused Nos.3&4

Vs

The Inspector of Police,
Courtalam Police Station,
Courtalam,
Tenkasi District.
(Crime No.162 of 2024.)

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.162 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A3 & A4, who were arrested and remanded to judicial custody



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on 30.04.2024 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 427 and 506(ii) of IPC, in Crime No. 162 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 30.04.2024, at about 02.00 a.m, there was wordy quarrel between the petitioners and the defacto complainant. Thereby, the petitioners along with other accused are said to have abused the defacto complainant in filthy language and assaulted him with sickle and caused injuries. 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. He would further submit that they are in judicial custody from 30.04.2024 and hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that totally 6 accused are involved in this case. The petitioner herein are arrayed as A3 & A4. The investigation is in preliminary stage. The petitioners were already formally arrested on 04.05.2024 in connection with another crime number. Apart from that, both the



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petitioners are History Sheeter. The first petitioner is having 4 previous cases and the second petitioner is having 11 previous cases. But, however, he fairly conceded that the injured was discharged from the hospital.

5.Considering the period of incarceration and also considering the fact that the injured was discharged from the hospital, 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 Court, Shenkottai, Tenkasi 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 petitioners shall report before the concerned trial Court on all working days daily at 10.30 a.m., until further orders;

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

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/-
24/07/2024

/ TRUE COPY /

25/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate,
Shenkottai, Tenkasi District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Courtalam Police Station,
Courtalam, Tenkasi District.



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4.The Superintendent,
Central Prison, Playamkottai,
Tirunelveli District.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8503[I] dated 24/07/2024)

ORDER
IN
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Date :24/07/2024

ED/ /SAR- (25/07/2024) 5P / 7C

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