



CRL OP(MD). No.11286 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11286 of 2024

Santhose @ Santhosh,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
Crime No. 172/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Prabha,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. 172 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody

on 04.07.2024 for the offences punishable under Section 309 (5) of BNS,2023, in crime

<https://www.mhc.tn.gov.in/judis>



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No.172 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.07.2024, at about 11.00 pm, the petitioner and other accused have attempted to commit dacoity. On seeing the police party, they escaped from the scene of occurrence. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 04.07.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having one previous case and co-accused in this case were already released on bail by this Court in CrI.O.P.(MD)No.10902 of 2024 on 19.07.2024. The investigation is yet to be completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the facts that the major part of the investigation might have been completed and the petitioner is in judicial custody from 04.07.2024 and co-accused were already released on bail, 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



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learned Judicial Magistrate, Karaikudi.

(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.

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].

sd/-

23/07/2024

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23/07/2024

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

LS



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TO
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- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11286 of 2024
Date :23/07/2024

PKP/23.07.2024/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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