



CRL OP(MD). No.11430 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11430 of 2024

Abishanth,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District,
Crime No.401/2024.

... Respondent/Complainant

For Petitioner : S.Vikram, Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 483 of BNSS

PRAYER :-

For Bail in Crime No.401/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on
<https://www.mhc.tn.gov.in/judis>



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12.07.2024 for the offences punishable under Sections 126(2), 296(b), 118(1), 109, and 351(3) of Bharatiya Nyaya Sanhita (BNS) Act, in crime No.401 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused, abused the defacto complainant in filthy language and attacked him with iron rod and caused injuries to him. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocent and he has not committed any offence as mentioned in the FIR. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioner. Further, he is in judicial custody from 12.07.2024 and hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage. But, however, he fairly conceded that the injured was discharged from the hospital and no previous case is pending against the petitioner.

5.Considering the period of incarceration and also considering the fact that the



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injured was discharged from the hospital and no bad antecedent is reported against the petitioner, 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 No.I, Padmanabapuram.

(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., for a period of four weeks and thereafter, as and when required for interrogation;

(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

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



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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/-
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 NO.1 PADMANABAPURAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL
- 3 THE OFFICER INCHARGE
SUB JAIL, PADMANABAPURAM, NAGERCOIL..
- 4 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT,



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

+1 CC to M/s.S.VIKRAM, Advocate (SR-8441[I] dated 24/07/2024)

ORDER
IN
CRL OP(MD) No.11430 of 2024
Date :24/07/2024

PKP/25.07.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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