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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.11644 of 2024

1. Sureshkannan
2. Govindan
3. Mari

... Petitioners No.1 to 3/ Accused Nos.2,5 & 6

Vs

The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Cr.No.116/2024..

... Respondent/ Complainant

For Petitioners : Dhilipan Pandian R L,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Crime No.116 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 to A3 and A2, A5 & A6, who were arrested and remanded to

judicial custody on 18.07.2024 for the offences punishable under Sections 189(2), 296

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



(b), 115(2), 133 and 351(3) of BNS U/s 142, 294, 323, 355 and 506 of IPC, in Crime No.116 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused are said to have waylaid the defacto complainant and abused him in filthy language and attacked him with their hands & wooden log and caused injuries to him. Hence, the complaint.

3.The learned counsel for the petitioners the petitioners are innocents and they have not committed any offence as mentioned in the FIR. He would further submit that it is a case and case in counter. The injured was discharged from the hospital and no previous case is pending against the petitioner. Further, the petitioners are in judicial custody from 18.07.2024. Hence, they 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 it is a case and case in counter, 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 facts that it is a case and case in counter, the injured was discharged from the hospital and no bad antecedent is reported against the petitioner, 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, Paramakudi.

(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 two weeks and thereafter, as and when required for interrogation;

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

iv)the petitioners 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 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/-
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
PARAMAKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,,
RAMANATHAPURAM PRISON, RAMANATHAPURAM..
- 4 THE INSPECTOR OF POLICE
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-8727[I] dated 26/07/2024)



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ORDER
IN

CRL OP(MD) No.11644 of 2024

Date :26/07/2024

MK/26.07.2024 5P 7C

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