



CRL OP(MD). No.11612 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

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

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1. Jothimani,
W/o Karuppu, North Street,
Periyaulakami, Kallikudi Taluk,
Madurai District..

2. Murugan,
S/o Krishnan N.Kalluppatti,
Thiruparangundram Taluk,
Madurai District..

3. Manickavalli,
W/o Murugan, N.Kalluppatti,
Thiruparagundram Taluk,
Madurai District.

... Petitioners/ Accused No. 1,2 and 3

Vs

The Inspector of Police,
Koodakovil Police Station,
Madurai District.
Crime No. 102/2024.

... Respondent/Respondent

For Petitioners : Mr.K. Sheenivasan,
Advocate.

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



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

PRAYER :- For Bail in Crime No. 102 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 21.07.2024 for the offences punishable under Sections 296(b), 110 and 49 BNS, 2023, in crime No.102 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to matrimonial dispute, the petitioners are quarreled with the defacto complainant and the first petitioner poured the hot water on the defacto complainant and he got injuries. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 21.07.2024, Hence, they may be released on bail.

4. The learned Additional Public Prosecutor strongly object the grant bail the petitioners on the ground that the injured is still in hospital and he is in serious condition and the investigation in this case is still pending.

5. At this juncture, the learned counsel for the petitioners would submit that he



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is not pressing this petition insofar the petitioners 1 and 2 are concerned and he has also made an endorsement to that effect. He further submits that the first petitioner is having two school going children and hence, prayed for grant of bail to the third petitioner, who is the grand-mother of the children, to take of the children.

6. In view of the same, this Petition is dismissed as withdrawn insofar the petitioners 1 and 2 are concerned.

7. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact to take care of the school going children of the defacto complainant, this Court is inclined to grant bail to the third petitioner on certain conditions.

8. Accordingly, this Criminal Original Petition is allowed insofar as the third petitioner are concerned and the third petitioner are 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 learned Judicial Magistrate, Thirumangalam, Madurai 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 third petitioner shall report before the respondent police daily at 10.30



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a.m., until further orders;

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

iv) the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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].

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

9. In the result, this Criminal Original Petition is partly allowed.

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

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TO
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1. The Judicial Magistrate,
Thirumangalam, Madurai District.
2. Do through:
The Chief Judicial Magistrate,
Madurai.
3. The Superintendent,
Central Prison,
Madurai District.
4. The Inspector of Police,
Koodakovil Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SHEENIVASAN, Advocate (SR-8589[I] dated 25/07/2024)

ORDER
IN
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SL(25.07.2024)/ 6P/ 7C

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