



CRL OP(MD). No.11666 of 2024

WEB COPY 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.11666 of 2024

1. Kane Anthony @ Kane,

2. Balusamy @ Santhuru,

3. Arunkumar @ Ajay,

4. Arnold Anthony @ Arnold,

... Petitioners/ Accused NO.1,2,4,5

Vs

The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Cr.No.333 of 2024..

... Respondent/Complainant

For Petitioners : M/s.Gurumoorthy S,
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.

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



CRL OP(MD). No.11666 of 2024

WIPRAYER:-

For Bail in Crime No.333 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 03.07.2024 for the offences punishable under Sections 191(2), 191(3), 126(2), 296(b), 127(2), 118(1), 109, 351(3) of the BNS Act, 2023 in crime No.333 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners herein have attacked the defacto complainant with iron rod and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been false implicated in this case. He would further submit that the petitioners are in judicial custody from 03.07.2024, hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that A1 is a history

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CRL OP(MD). No.11666 of 2024

sheet rowdy and the A2 and A5 are having 1 and 3 previous cases respectively and the A4 is not having any previous case and the injured was discharged from the hospital.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and that it is a case and counter case and 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 No.I, Kumbakonam.

(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.,

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CRL OP(MD). No.11666 of 2024

for a period of three weeks and thereafter, as and when required for interrogation;

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(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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/07/2024

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26/07/2024
Sub-Assistant Registrar (PA-I / AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



CRL OP(MD). No.11666 of 2024

WITTO COPY

1. The Magistrate No.I, Kumbakonam.
 2. Do-Through The Chief Judicial Magistrate,
Thanjore District @ Kumbakonam
 3. The Superintendent, Central Prison, Pudukkottai.
 - 4.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.GURUMOORTHY, Advocate (SR-8678[I] dated 26/07/2024)

ORDER
IN
CRL OP(MD) No.11666 of 2024
Date :26/07/2024

RK (26/07/2024) 5P / 7C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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