



CRL OP(MD). No.12068 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

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Subramani @ Sunkidi

... Petitioner/Unranked Accused

Vs

The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No. 136/2024.)

... Respondent/Complainant

For Petitioner : M/s.Balaji Nivas S, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.136 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 18.07.2024 for the offences punishable under Sections 147, 148, 341, 294(b), 324, 307, 302 and 506(ii) of IPC, in crime No.136 of 2024 on the file of the respondent police,



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seeks bail.

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2.The case of the prosecution is that the petitioners along with other accused, abused one Sajith and the son of the defacto complainant in filthy language. They also attacked the above said Sajith. When the same was prevented by the son of the defacto complainant, they also attacked him with deadly weapons. Due to grievous injuries, he died. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocents and he has not committed any offence as mentioned in the FIR. He would further submit that at the time of arrest, the petitioner is having a fracture in his left leg and it will need surgery as per the medical report. He also produced a copy of the medical report to that effect. Further, the co-accused (A4 & A5) were already released on bail by the Court below and the petitioner is in judicial custody from 18.07.2024 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that charge sheet has been filed before the concerned Court and the same is yet to be taken on file. The petitioner is having 4 previous case including one 302 IPC case. But, however, he has also affirmed the submission made by the learned counsel for the petitioner with regard to the health condition of the petitioner and fairly conceded that the co-accused were already released on bail by the Court below.



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5.Considering the period of incarceration and also considering the facts that there is a necessity to make surgery in the left leg of the petitioner, the co-accused (A4 & A5) were already released on bail by the Court below and charge sheet has been filed before the concerned Court, 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 learned Judicial Magistrate No.II at Nagercoil, Kanyakumari 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 petitioner shall report before the trial Court on receipt of summons;

(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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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vi)If the accused thereafter abscond, a fresh FIR can be registered under
Section 229A IPC.

sd/-
30/07/2024

/ TRUE COPY /

31/07/2024
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.II,
Nagercoil, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

4.The Officer Incharge,
District Jail, Nagercoil,
Kanyakumari District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.BALAJI NIVAS, Advocate (SR-8990[I] dated 30/07/2024)



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ORDER
IN
CRL OP(MD) No.12068 of 2024
Date :30/07/2024

ED/ /SAR- (31/07/2024) 5P / 7C

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