



CRL OP(MD). No.12073 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

CRL OP(MD). No.12073 of 2024

Ganesh @ Anbuganesh

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhuangar District.
Crime No.204/2024..

... Respondent/ Complainant

For Petitioner : Mr. R.Mathava Selvam,
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.204 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/A6, who was arrested and remanded to judicial custody on 23.07.2024 for the offences punishable under Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 61(2), 303(2), 109(1) of BNS, 2023, and 25(1B) (b) of Arms Act, 1959, in Crime No.204 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 aruval and knife and caused injuries to him. 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 the injured was discharged from the hospital and the petitioner is in judicial custody from 23.07.2024 and hence, he may be granted bail.



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4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage and the petitioner is having 9 previous cases including 1 302 IPC case. But, however, he fairly conceded that the injured was discharged from the hospital.

5.Considering the period of incarceration and also considering the fact that the injured was discharged from the hospital, 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, Aruppukkottai.

(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 Vilathikulam Town Police Station,

Thoothukudi, daily at 10.30 a.m., until further orders;

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



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(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 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/-

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30/07/2024

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



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DSS

TO

1. The Judicial Magistrate, Aruppukkottai..
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.
3. The Officer In-Charge, Sub Jail, Aruppukkottai.
4. The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhuangar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Vilathikulam Town Police Station, Thoothukudi.

+1 cc to MR.R.MATHAVA SELVAM, Advocate SR NO.9036 dated 31.07.2024

ORDER

IN

CRL OP(MD) No.12073 of 2024

Date : 30/07/2024

RD(30/07/2024) 5P / 8C

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