



CRL OP(MD). No.12212 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12212 of 2024

Malaisamy,

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Odaipatti Police Station,
Theni District.
Crime No. 118/2024.

... Respondent/Complainant

For Petitioner : Mr.Kannan Gurusami,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No. 118 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on

15.07.2024 for the offences punishable under Sections 191(2), 191(3), 296(b), 115,
<https://www.mhc.tn.gov.in/judis>



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118(1), 329(3), 121(1), 126, 132 and 109 of BNS Act, 2023, in Crime No.118 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and one Sarankumar are the Forest Guard officers. They restrained the petitioner and other accused from going to the hotel at Megamalai. However, they tried to go Hotel at Megamalai. When the same was questioned by the defacto complainant and other officer, they abused them in filthy language and assaulted them and caused injuries to them. Further, they prevented the Officers from discharging their duty. 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 15.07.2024 and hence, he 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 the injured were discharged from the hospital and no previous case is pending against the accused.

5.Considering the period of incarceration and also considering the fact that the injured were discharged from the hospital and no bad antecedent is reported against the petitioner, this Court is inclined to grant bail to the petitioner on certain



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conditions.

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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, Uthamapalayam, Theni 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 Dindigul Town Police Station, daily at 10.30 a.m until further orders;

(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];



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

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229A IPC;

sd/-
31/07/2024

/ TRUE COPY /

01/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE,
UTHAMPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THEKKAMPATTI, THENI.

4 THE INSPECTOR OF POLICE,
ODAIPATTI POLICE STATION,
THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
DINDIGUL TOWN POLICE STATION,
DINDIGUL.

+1 CC to M/s.KANNAN GURUSAMY, Advocate (SR-9075[I] dated 31/07/2024)



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ORDER
IN
CRL OP(MD) No.12212 of 2024
Date :31/07/2024

SA/SAR. /01.08.2024/5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.