



CRL OP(MD). No.14776 of 2024

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

Date : 13/09/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

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M.Raja

... Petitioner/ Accused No.1

Vs

The Inspector of Police,  
Tiruchendur Temple Police Station,  
Thoothukudi District.  
(Crime No.74 of 2024).

... Respondent/Complainant

For Petitioner : Mr.K.Lenin, Advocate.

For Respondent : Mr.P.Kottaisamy,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.74 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on  
06.05.2024, in Crime No.74 of 2024, on the file of the respondent police, for the



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offences punishable under Sections 294(b), 324, 397 and 506(ii) of IPC, has approached this Court, seeking bail.

2.The prosecution case is that the petitioner is running a Panipuri shop, near an Engineering Company at Tiruchendur and the defacto complainant is his regular customer. Therefore, they have some acquaintance. On 05.05.2024, the petitioner along with his friends went to a Liquor shop to consume liquor. At that time, the defacto complainant was also present in the same Liquor Shop. The petitioner and other accused are said to have demanded money from the defacto complainant for purchase of liquor and when the same was refused by the defacto complainant, the petitioner and other accused are said to have attacked him, snatched away a sum of Rs.500/- and a cellphone worth Rs.1,000/-. Therefore, the case was registered by the respondent police on 06.05.2024.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. In fact, the petitioner and the defacto complainant are friends and the defacto complainant owe some money to the petitioner and when that was demanded, the dispute arose. Earlier application of this petitioner was dismissed by this Court on 25.06.2024. Now, the petitioner has renewed the application that one Jagadish Chandra Bose Kannan, who is running a Water service for Bike and Car as



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a profession, under whom, the petitioner was previously working, has filed an affidavit of undertaking with an assurance that the petitioner will not indulge in any offence in future.

4.The learned Government Advocate (Crl.side) appearing for the respondent has raised objections for grant of bail to this petitioner that this petitioner has involved in the following cases:-

| Sl.No | Name of the Police Station & Crime No. | offences                             |
|-------|----------------------------------------|--------------------------------------|
| 1     | Kennikkarai PS - 53 of 2023            | 341, 294(b), 506(ii) and 387 of IPC  |
| 2     | Kennikkarai PS - 29 of 2023            | 341, 294(b), 506(ii) and 387 of IPC  |
| 3     | Kennikkarai PS - 622 of 2023           | 294(b) and 387 of IPC                |
| 4     | Kennikkarai PS - 158 of 2022           | 294(b), 323, 326 and 506 (ii) of IPC |
| 5     | Kennikkarai PS - 2 of 2021             | 254 and 380 of IPC                   |

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The earlier application filed by this petitioner was dismissed by this Court on 25.06.2024, considering the objections of the learned Government Advocate (Crl.side) and also on the ground that the petitioner has involved in five previous cases of similar in nature. Now the petitioner has renewed this application with an



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undertaking affidavit of one Jagadish Chandra Bose Kannan who is his previous owner, wherein, the said Jagadish Chandra Bose Kannan has given an assurance as under:

"I assure and undertake that the above said petitioner/Accused No.1 shall not commit or indulge in any such kind of activity in future, failing which, I held responsible for the same."

7. Recording the above undertaking affidavit and also considering the submissions of the learned counsel for the petitioner that the petitioner will file an undertaking affidavit before the respondent police that he will not indulge in any offence in future, considering the period of incarceration and considering the stage of investigation, this Court is inclined to grant bail to this petitioner.

8. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur, Thoothukudi, out of two sureties, the said Jagadish Chandra Bose Kannan shall be one of the sureties and he shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand).



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ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

iv) The petitioner shall file an affidavit of undertaking before the respondent police that he will not indulge in any offence in future.

v) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.

vi) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-  
13/09/2024

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13/09/2024  
Sub-Assistant Registrar ( AD II )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

VRN



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To

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1.The Judicial Magistrate,  
Tiruchendur, Thoothukudi.

2.Do through the Chief Judicial Magistrate,  
Thoothukudi District.

3.The Inspector of Police,  
Tiruchendur Temple Police Station,  
Thoothukudi District.

4.The Officer Incharge,  
Perurani Sub Jail,  
Thoothukudi District.

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

ORDER  
IN

CRL OP(MD) No.14776 of 2024

Date :13/09/2024

ED/ /SAR- (13/09/2024) 6P / 6C

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