



CRL OP(MD). No.14675 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14675 of 2024

Prabhakaran,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(In Crime No.49 of 2023).

... Respondent/ Complainant

For Petitioner : M/s. Premkumar.A,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To release the petitioner on bail in SC.No.267 of 2023 on the Hon`ble Ist Additional District and Sessions Judge, Thoothukudi in Cr.No.49 of 2023 on the file of the respondent police and thus render justice.

ORDER : The Court made the following order :-

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



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on 19.01.2023 for the offences punishable under Sections 294(b), 341 and 302 IPC in Crime No.49 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other accused waylaid the deceased and abused him in filthy language and also murdered him. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations against the petitioner is very serious, just because the deceased happened to advice them not to create ruckus and tease everyone going by the road, instantaneously, the petitioner and the other accused cut the deceased with Aruval and caused the death and the same is witnessed by the first informant. Considering the same, the petitioner was not released on bail till now. However, only considering the fact that the petitioner was arrested on 18/1/2023 and now is under incarceration till date and considering the fact that the trial is yet to be commenced, I am inclined to enlarge the petitioner on bail.

5. 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



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learned I Additional District Sessions Judge, Thoothukudi.

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(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 appear before the concerned Court daily at 10.30 a.m for a period of eight weeks and attend all hearing dates without fail;

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

sd/-

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03/09/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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TRP

TO

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1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.A.PREMKUMAR, Advocate (SR-10758[I] dated 03/09/2024)

ORDER IN

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Date :03/09/2024

SA/SAR. /03.09.2024/4P/6C

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