



CRL OP(MD). No.14585 of 2024

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

Date : 10/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14585 of 2024

Palanivel

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Avaniyapuram Police Station,
Madurai.
(Crime No. 509 /2024.)

... Respondent/Complainant

For Petitioner : M/s. Mayilvahana Rajendran.C, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 509 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 24.07.2024 for the offences punishable under Section 103 of BNS in crime No.509



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of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner herein and other accused colluded together and murdered the brother of the defacto complainant. 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 in this case that on account of a drunken brawl two groups trying to attack each other by way of retribution and the petitioner, who is accused No.5 being the person, who is conducting the bar without giving the CCTV footage to the police, has furnished the CCTV footage to the accused side so that they can identify the rival gang and attack them and considering the arguments of the learned counsel for the petitioner that henceforth he will make technical modifications in the CCTV system of the bar and will provide access to the police station directly and also file an affidavit and also to make arrangements to take to give technical access to the local police station to view what is happening in the bar at any time upon logging and also considering the fact that the petitioner is in jail from 24/7/2024, I am inclined to enlarge the petitioner on bail.



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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 learned (*)Judicial Magistrate No.VI, Madurai.

(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) As per undertaken, the petitioner shall file an undertaking affidavit to the effect that he will make arrangements to give technical access to the search of the local police station to view what is happening in the bar at any time upon login;

(iii)the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation;

(iv)the petitioner shall not tamper with evidence or witness;

v)the petitioner shall not abscond during trial.

vi)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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*(vii)if the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
10/09/2024

(*)For Corrected as per Order of this Hon'ble
Court dt.11/09/2024 in Crl.OP(MD).
14585/2024.

/ TRUE COPY /

11/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To
TO BE SUBSTITUTED WITH THE ORDER DT.10/09/2024 ALREADY
DESPATCHED

1.The Judicial Magistrate No.IV,
Madurai.

2.The Judicial Magistrate No.VI,
Madurai.

3.Do through the Chief Judicial Magistrate,
Madurai District.

4.The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

5.The Superintendent,
Central Prison, Madurai.



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

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-11205[I] dated
11/09/2024)

ORDER
IN
CRL OP(MD) No.14585 of 2024
Date :10/09/2024

ED/ /SAR- (10/09/2024) 5P / 7C
DSS
SA/SAR. /11.09.2024/5P/8C

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