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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15121 of 2024

Manikkam ... Petitioner/2nd Accused

Vs

The Inspector of Police,
Navalpattu Police Station,
Trichy District.
Crime No. 135/2024. ... Respondent/Complainant

For Petitioner : Mr.B.Micheal Sebastin, Advocate.
For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-
For Bail in Crime No.135 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 29.08.2024 for the offences punishable under Sections 275 and 123 BNS, 2023 and Sections 7(1) and 24(1) of COTPA Act and Section 77 of JJ Act, in crime No.135 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that due to previous motive, the petitioner along with other accused abused the abused the deceased in filthy language and also assaulted him, due to which, he died.

3.Heard the learned counsel on either side and perused the material records of the case.

4. Considering the facts and circumstances of the case and considering the nature of allegation against the petitioner that he was found to be in possession of the banned tobacco products, including the cool lips and considering the fact that he is in jail from 29/08/2024 and considering the fact that he has already got two previous cases of similar in nature, but however, today, an affidavit is being filed before this Court that hereafter, he will not deal with any of the tobacco products and the petitioner is in judicial custody from 29.08.2024, I am inclined to grant bail to the petitioner on certain conditions.

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 Principal District and Sessions Judge, Trichy, Trichy 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

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card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Court Penalty Fund, the Dean, Government Rajaji Hospital, Madurai, (Account No. 7097546149, IFSC Code: IDIB000T003, MICR Code: 525019008, Indian Bank, Tallakulam, Madurai), which shall be used for spreading of awareness against Tobacco products, without prejudice to his rights and contentions before the trial Court. Only upon deposit, the petitioner shall be enlarged on bail;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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 229A IPC.

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18/09/2024

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18/09/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TRICHY,
TRICHY DISTRICT.
2 THE INSPECTOR OF POLICE, NAVALPATTU POLICE STATION,
TRICHY DISTRICT.
3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN, GOVERNMENT RAJAJI HOSPITAL, MADURAI.

ORDER IN
CRL OP(MD) No.15121 of 2024
Date :18/09/2024

RS//SAR-(18.09.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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