



CRL OP(MD). No.15323 of 2024

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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.15323 of 2024

Mukil Raj

... Petitioner/ Accused (Rank Not Known)

Vs

The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No. 325 of 2024)

... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar.T., Advocate.

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

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

For Bail in Crime No. 325 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 18.07.2024 for the offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023 @ 103(1), 191(3), 61(2)(a) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.325 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the defacto complainant is the wife of the deceased.Due to previous enmity, the petitioner and the other accused are said to have murdered the husband of the defacto complainant. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations that the petitioner along with the other accused attacked the deceased and caused his death on account of a dispute with reference to the purchase of a cycle and considering the facts that the petitioner is in custody from 18.07.2024, and the large part of the investigation is over, this Court is inclined to grant bail to the petitioner.

5. The argument of the learned Additional Public Prosecutor is that the petitioner as well as the other accused, even though very young are indulging in repeated offences only on account of addiction to ganja and other substances.

6. The learned counsel for the petitioner submits that without prejudice to his contentions, he will file an undertaking affidavit that he will take treatment in the De-addiction Ward, Government Rajaji Hospital, Madurai and co-operate for treatment.

7.Considering the above, this Court is inclined to grant bail to the petitioner on certain conditions.

8.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



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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the

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Judicial Magistrate No.I, Kovilpatti.

(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 undertaken, the petitioner shall file an affidavit before the trial Court that he will take treatment in the De-addiction Ward, Government Rajaji Hospital, Madurai, and co-operate for treatment;

(iii) the concerned Investigating Officer is directed to supervise the visit of the petitioner to the De-addiction Ward, Government Rajaji Hospital, Madurai;

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

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

vi)the petitioner shall not abscond during trial.

vii)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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viii) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/09/2024

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18/09/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE NO.I KOVILPATTI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE, KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE, DE-ADDICTION WARD,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-11365[I] dated 18/09/2024)



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ORDER

IN

CRL OP(MD) No.15323 of 2024

Date :18/09/2024

RS//SAR-(18.09.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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