



CRL OP(MD). No.15551 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 D.BHARATHA CHAKRAVARTHY
CRL OP(MD). No.15551 of 2024

Sardhar Basha

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thiruppalai Police Station,
Madurai.
(Crime No. 791/2024).

... Respondent/Complainant

For Petitioner : M/s.L. Prabhu, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 791 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 06.08.2024 for the offences punishable under Sections 194 of BNS, @ Sections 296(b) and 103 of BNS Act, in Crime No.791 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 and the defacto complainant are friends. While consuming liquor, there was wordy quarrel between them. At that time, the petitioner attacked the deceased and caused head injury. Without knowing the same, the deceased went to his home. Next day morning, he was taken to hospital. However, he died. Hence, the complaint.

3.Heard both sides.

4. Considering the nature of the allegations that the petitioner and the deceased are said to have been friends and that they were having liquor, and during the process there seems to be a scuffle in which there seems to be head injury on the deceased and the deceased went home, slept in the night and thereafter, since he was unable to get up, his family members admitted him in the hospital, wherein it was found that he had a head injury and he passed away the next day and considering the facts that the petitioner is in jail from 06.08.2024 and that there are no other bad antecedents against the petitioner, this Court is 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 Judicial Magistrate No.II, Madurai.



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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 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;

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

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.

DSS



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1.The Judicial Magistrate No.II,
Madurai.

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

3.The Inspector of Police,
Thiruppalai Police Station,
Madurai.

4.The Officer Incharge,
Dindigul Jail, Dindigul.

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

+1 CC to M/s.L.PRABHU, Advocate (SR-11277[I] dated 13/09/2024)

ORDER

IN

CRL OP(MD) No.15551 of 2024

Date :13/09/2024

ED/ /SAR- (13/09/2024) 4P / 7C

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