



CRL OP(MD). No.16871 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. S.Sajith

2. M.Madhan

... Petitioners/ A-1 & 2

Vs

The Inspector of Police,
Suchindrum Police Station,
Kanniyakumari District.
Cr.No.445 of 2024.

... Respondent/Complainant

For Petitioners : Mr.A.Mohamed Haneef
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.445 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on
27.08.2024 for the offences punishable under Sections 109, 296(b), 115(2) and 351(3)



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of BNS and Section 25(1)(a) of Arms Act, in crime No.445 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 enmity between the parties, the petitioners are said to have abused the defacto complainant in filthy language and attempted to attack the defacto complainant with aruval. Hence, the complaint.

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

4.Considering the nature of allegations in this case that there was no serious injury for the defacto complainant in the instant case and considering the fact that the petitioners are in judicial custody from 27.08.2024, I am inclined to enlarge the petitioners on bail with certain conditions.

5.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil.



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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 petitioners 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;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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(vi) If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
03/10/2024

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

JBR

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,
SUCHINDRUM POLICE STATION, KANNIYAKUMARI DISTRICT
- 4 THE OFFICER INCHARGE,
NANGUNERI SUB JAIL, TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-12135[I] dated 03/10/2024)



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ORDER
IN
CRL OP(MD) No.16871 of 2024
Date :03/10/2024

SS/SAR- /03/10/2024/5P/7C

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