



CRL OP(MD). No.17097 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. Varatharaj
2. Gnanammal
3. Pandi @ Pandidurai

... Petitioners/ Accused Nos.2, 4 & 6

Vs

The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Crime No.238 of 2024

... Respondent/Complainant

For Petitioners : Mr.S.Maya Perumal, Advocate.
For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.238 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner Nos.1 and 3 /Accused Nos.2 and 6 in this petition, who were arrested and remanded to judicial custody on 20.09.2024 and the petitioner No.2 / Accused No.4 in this petition, who was arrested and remanded to judicial custody on



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21.09.2024 for the offences punishable under Sections 191(2), 192(3), 296(b), 115(2), 118(2), 351(3) of B.N.S. 2023 and Section 4 of Prohibition of Harassment of Women Act, 2002 altered into Sections 191(2), 192(3), 296(b), 115(2), 351(3), 103 (2) and 3 (5) of B.N.S, 2023 and Section 4 of Prohibition of Harassment of Women Act, 2002 in Crime No.238 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the grandson of the deceased assaulted Accused No.2 and as a retaliation, he was assaulted by the accused persons. The deceased intervened and therefore, he was attacked by the accused persons and he sustained grievous injuries on 12.09.2024. Ultimately, he succumbed to the injuries on 19.09.2024. There are totally six accused persons involved in this case. Accused Nos.1, 2 and 4 are the brothers. Accused Nos.3 and 5 are the sons of Accused No.5 and Accused No.4 is the wife of Accused No.5. The petitioners before this Court are arrayed as Accused Nos.2, 4 and 6.

3.Heard the learned appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

4.Taking into consideration the facts and circumstances of the case and the manner in which the incident had taken place in this case and considering the fact that the deceased was aged about 65 years and he died nearly seven days after the incident and also of the fact that the petitioners have suffered incarceration for nearly



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45 days and there are no previous antecedents against the petitioners and the Investigating Officer is only awaiting for the Chemical Analysis Report in order to complete the investigation, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their 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, Sattur and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
05/11/2024

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05/11/2024

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

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE OFFICER INCHARGE, SUB JAIL, ARUPPUKOTTAI.

5 THE INSPECTOR OF POLICE, VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S.MAYA PERUMAL, Advocate (SR-13622[I] dated 05/11/2024)



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ORDER

IN

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Date :05/11/2024

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Madurai Bench of Madras High Court is issuing
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