



CRL OP(MD). No.17295 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

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Kanthasiva,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Tenkasi Police Station, Tenkasi,
Tenkasi District.
Crime No 451/2024.

... Respondent/ Complainant

For Petitioner : Mr.K.Ganesamoorthi, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No. 451 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 24.09.2024 for the offence punishable under Section 109,296(b),351(3) of BNS, in Crime No.451 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel on 23.09.2024 the accused person attempted on the life of the victim with beer bottle and caused injuries, hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 24.09.2024 and the injured has been discharged from the hospital, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused attacked the defacto complainant and caused injuries and submitted that three previous cases are pending against the petitioner, hence he objected to grant bail to the petitioner. He would fairly concede that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and also taking into consideration the

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period of incarceration this Court is inclined to grant bail to the petitioner on certain conditions.

6. 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.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi

(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., until further orders.

(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].



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

sd/-
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09 / 10 / 2024

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

AAV

TO

1 THE JUDICIAL MAGISTRATE
TENKASI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI.

4 THE SUB INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI, TENKASI DISTRICT.

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

+1 CC to M/s.K.GANESAMOORTHY, Advocate (SR-12331[I] dated 09/10/2024)



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ORDER
IN
CRL OP(MD) No.17295 of 2024
Date :09/10/2024

PSP/ /SAR /09.10.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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