



CRL OP(MD). No.17250 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

CRL OP(MD). No.17250 of 2024

Divine @ Omilias Divine

... Petitioner/ Accused No.18

Vs

The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No. 386/2024.

... Respondent/Complainant

For Petitioner	:	Mr.C. Susikumar, Advocate
For Respondent	:	Mr.T.Senthil Kumar, Additional Public Prosecutor

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

For Bail in Crime No.386 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 12.09.2024 for the offences punishable under Sections 191(2), 191(3), 49, 296(b), 126 (2), 127(2), 103(1) and 351(3) BNS in Crime No. 386 of 2024, on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.17250 of 2024

WEB COPY

2.The case of the prosecution is that due to previous enmity, the first accused along with 17 other accused have assaulted the deceased using knife, due to which, he died.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he has been arrested and he is languishing in jail from 12.09.2024. Therefore, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the petitioner has instigated the other accused to commit the offence. However, he fairly submits that no previous case is pending as against the petitioner.

5.Considering the facts and circumstances of the case, the antecedent of the petitioner and also considering that in the FIR, the presence of the petitioner/A18 is not mentioned, 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, Radhapuram;



CRL OP(MD). No.17250 of 2024

WEB COPY

(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 stay at Salem District and report before the Inspector of Police, Salem Town Police Station, Salem, daily at 10.30 a.m., for a period of two weeks;

(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].

sd/-
09/10/2024

/ TRUE COPY /

09/10/2024

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

LR



CRL OP(MD). No.17250 of 2024

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE, RADHAPURAM.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, KOODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE, SALEM TOWN POLICE STATION, SALEM.

ORDER
IN

CRL OP(MD) No.17250 of 2024

Date :09/10/2024

RS//SAR-(09.10.2024) 4P 7C

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