



CRL OP(MD). No.17254 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.17254 of 2024

1. Kadhar Hussain,

2. Balaji,

... Petitioners/ Accused 2 & 3

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
Crime No.648/2024.

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime no.648/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A2 and A3, who was arrested and remanded to judicial custody
on 17.09.2024 for the offence punishable under Section 296(b), 309(4),309(6),324(4)

and 351(3) of BNS, in Crime No.648 of 2024 on the file of the respondent police, seek

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



CRL OP(MD). No.17254 of 2024

WEB COPY

2. The case of the prosecution is that on 16.09.2024 at about 12.30 pm., when the defacto complainant was working in the teashop the first accused came there and demanded money and when it was refused by the owner of the tea shop he caused damage to the bottles in the shopt worth about Rs.3000/- and scolded the defacto complainant in filthy language and other accused pushed down the vadai vessel and poured the oil on the right hand of the defacto complainant and caused injuries and also taken a sum of Rs.500/- from the shop of the defacto complainant, hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case. He would further submit that the petitioners are in custody from 17.09.2024 and the co-accused was released on bail by the Session Court, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the accused persons caused injuries to the defacto complainant and also caused damage to the bottles in the tea shop worth about Rs.3000/- and also taken a sum of Rs.500/- from the shop of the defacto complainant, hence he objected to grant bail to the petitioners. He would fairly concede that two previous cases are pending against the petitioners, of which one has been disposed of and one has been referred.



CRL OP(MD). No.17254 of 2024

WEB COPY

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

6. 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.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy

(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., until further orders.

(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



CRL OP(MD). No.17254 of 2024

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

WEB COPY

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

sd/-
09/10/2024

/ TRUE COPY /

/10/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.

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



WEB COPY



CRL OP(MD). No.17254 of 2024

ORDER
IN
CRL OP(MD) No.17254 of 2024
Date :09/10/2024

SA/SAR. /09.10.2024/5P/6C

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