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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

CRL OP(MD). No.17320 of 2024

1. Subburaj

2. Subash Chandru

... Petitioners/Petitioners/ Accused No.1 & 2

Vs

State of Tamil Nadu,
Rep.by The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District. (Crime No. 177/2024).

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.177 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 13.09.2024 for the offences punishable under Sections 296(b),132,351(3) of BNS Act and Section 25(1A) of Arms Act, 1959 in Crime No. 177 of 2024 on the



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2.The case of the prosecution is that on 13.09.2024, the petitioners and other accused persons found in possession of deadly weapons and prevented the defacto complaint, who is the Sub Inspector of Police, Chockampatti to discharge his official duty.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case based on the confession of co-accused. There is no previous case pending against the petitioners. No one injured in the occurrence. The petitioners are in custody from 13.09.2024. Hence, prays to release them on bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners and other accused persons were found in possession of deadly weapons and prevented the defacto complainant not to discharge his official duty. Hence, prays to dismiss the petition.

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



6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners, no one injured in the occurrence and no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioner on certain conditions.

7. 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, 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 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



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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].

sd/-
09/10/2024

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

TO

1 THE JUDICIAL MAGISTRATE,TENKASI

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TENKSAI

3 THE SUPERINTENDETNT,
CENTRAL PRISON,
PALAYAMKOTTAI.



4 THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION, TENKASI
DISTRICT. (CRIME NO. 177/2024)

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

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ORDER
IN
CRL OP(MD) No.17320 of 2024
Date :09/10/2024

MGJ(09.10.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023