



CRL OP(MD)No.17933 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.17933 of 2024

Shankar @ Kuttai Shankar

... Petitioner/ A-2

Vs

The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District,
Crime No.262/2022.

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulingabharathi
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.



CRL OP(MD)No.17933 of 2024

PRAYER :-
WEB COPY

For Bail in connection with PRC.NO.14 of 2023 on the file of the learned Judicial Magistrate No.II, Sivagangai, in Crime No.262/2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who is arrested and remanded to judicial custody on 05.03.2024 for the offence punishable under Section 302 altered into Sections 302, 147, 148, 448, 342 & 32 of IPC, in Crime No.262 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner along with other accused persons have formed themselves into unlawful assemble with deadly weapons and trespassed into the house of the defacto complainant and also wrongfully confined the deceased and also committed murder of the deceased. The charge sheet was taken on file in PRC.No.14 of 2023 and summons were also issued to the accused for their appearance. On 18.12.2023, the learned Judicial Magistrate No.II, Sivagangai, issued Non-bailable Warrant as against the petitioner and subsequently, the petitioner was arrested on 05.03.2024.



CRL OP(MD)No.17933 of 2024

WEB COPY

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

4. Considering the nature of allegations in this case that it is an occurrence of murder of the year 2022, and still pending for committal in PRC No.14 of 2023 because several accused are absconding and that NBW is still pending and only considering the fact that the petitioner is in judicial custody from 05.03.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

5. 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District;

(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 attend all the hearings in PRC.No.14 of 2023 and thereafter, in Sessions case without fail;

(iii) if the petitioner at any point of time remains unattended and if NBW is



CRL OP(MD)No.17933 of 2024

WEB COPY

issued, thereafter, no bail will be granted in the present case. Apart from that, the prosecution would be entitled to move for cancellation of bail in respect of all other cases pending against the petitioner and the bail will be cancelled in all the cases;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/10/2024

/ TRUE COPY /

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

jbr



CRL OP(MD)No.17933 of 2024

TO
WEB COPY

1. THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT,
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-13103[I] dated 24/10/2024)

ORDER
IN

CRL OP(MD) No.17933 of 2024
Date :24/10/2024

RK/ (24/10/2024) 5P / 7C

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