



CRL OP(MD). No.18102 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18102 of 2024

Franklin,

... Petitioner/ Accused No.10

Vs

**The State of Tamil Nadu,
Rep by the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.386 of 2024).**

... Respondent/ Complainant

**For Petitioner : Mr.K.Dinesh, Advocate,
for Mr.P.Suresh, Advocate.**

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

PETITION FOR BAIL UNDER SECTION 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/A10, who was arrested and remanded to judicial custody on 03.09.2024 for the offences punishable under Sections 191(2), 191(3), 49, 296(b), 126(2), 127(2), 103(1) and 351(3) of BNS, 2023, in Crime No.386 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that due to previous enmity with regarding to firing crackers in the church festival, the petitioner and the other accused are said to have brutally attacked the deceased, who is the brother of the defacto complainant and caused death. Hence, the complaint.

3.Heard both sides.

4.Considering the fact that on account of previous enmity arising out of the church festival and the deceased as well as the accused sides are having several previous cases between them and having motive with them, on the day of occurrence, the first accused is said to have stabbed the deceased and when the deceased fell down, all the other accused are said to have kicked him with their legs and also shouted to kill him and the deceased died on the spot and considering the fact that the investigation has substantially proceeded with and the co-accused also having been granted bail and considering the fact that the petitioner is in prison from 03.09.2024, this Court is inclined to grant bail to the petitioner on 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 Judicial Magistrate Court, Radhapuram.

(i)the sureties shall affix their photographs and left thumb impression in the

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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., for a period of three weeks and thereafter, as and when required for interrogation;

(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].

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

sd/-
22/10/2024

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22 / 10 / 2024

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

DSS



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TO
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1 THE JUDICIAL MAGISTRATE
COURT RADHAPURAM.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

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

ORDER
IN
CRL OP(MD) No.18102 of 2024
Date :22/10/2024

PSP/ /SAR /22.10.2024/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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