



CRL OP(MD). No.18420 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18420 of 2024

Vinayagamoorthi

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Thevaram Police Station
Theni District.
(Crime No.162 of 2024)

... Respondent / Complainant

Muthukani

... Petitioner / Defacto Complainant
in CRL MP(MD) No.11685 of 2024

For Petitioner : M/s.M.Prabu, Advocate.

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

For Intervenor : Mr.Muthurajam, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.162 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 09.09.2024 for the offences punishable under Sections 281, 125(a), 105, 303(2) of BNS Act and 21(1) of MMDR Act, 3(1) r/w 4 of MV Act, 3 r/w 1811 of MV Act and 5 r/w 180 of MV Act, in Crime NO.162 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner physically assaulted and harassed the victim girl. Hence, the complaint.

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

4. The learned counsel for the intervener would strongly oppose the application.

5.Considering the nature of allegations that the petitioner, who did not even possess the license, who did not even got the permission of the police, took upon himself to illegally carry out Vinayaga Chathurthi prosession and in the tractor he is said to have taken three children along with him for submerging the idols and thereafter, it is seen that there has also been illegal quarrying and sand was contained in the said tractor and subsequently, due to an accident, the tractor overturned, in which three children died and considering the fact that the petitioner



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is in custody from 09.09.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

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6. considering the nature of grievances expressed by the learned counsel for the intervener, the investigation in this case shall proceed with swiftly and the higher officials shall also supervise the investigation and the charge sheet shall be filed duly in accordance with law.

7. 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 Court, Bodinayakkanur, Theni 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 stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy, daily at 10.30 a.m., for a period of 10 days and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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

(iv)the petitioner shall not abscond during trial.



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(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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/10/2024

/ TRUE COPY /

29/10/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To

1.The Judicial Magistrate,
Bodinayakkanur, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Thevaram Police Station,
Theni District.



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4.The Officer Incharge,
Sub Jail, Uthamapalayam.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Contonment Police Station,
Trichy.

ORDER
IN
CRL OP(MD) No.18420 of 2024
Date :28/10/2024

ED/ /SAR- (29/10/2024) 5P / 7C

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