



CRL OP(MD). No.18501 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18501 of 2024

Esakki @ Kondai Esakki

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam,
Thoothukudi District.
Crime No. 211/2024

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 211 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 12.08.2024 for the offences punishable under Sections 49, 296(b), 126, 109, 351(3) of BNS, 2023 @ 103 of BNS, 2023 in crime No. 211 of 2024 on the file of the respondent police, seeks bail.

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



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2.The case of the prosecution is that due to previous enmity the petitioner herein along with other accused attacked the deceased with Aruval and thereby, caused his death. Hence, the case.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4.Considering the nature of allegations against the petitioner that this petitioner along with other accused enraged by the fact that the defacto complainant accosted them on account of 10 goats missing and A1 said to have attacked the deceased and killed him and considering the role played by the petitioner and that he is in jail from 12.08.2024, I am inclined to enlarge the petitioner on bail.

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.I, Srivaikundam, Thoothukudi 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;



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(ii)the petitioner shall appear 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/10/2024

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25/10/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.I, SRIVAICKUNDAM,
THOOTHUKUDI DISTRICT.

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



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3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, SRIVAIKUNDAM POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-13145[I] dated 25/10/2024)

ORDER

IN

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Date :25/10/2024

RS//SAR-(25.10.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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