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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.18598 of 2024

Parthipan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep By, the Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.325 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.M..Prabu,
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.

PRAYER :-

To release the Petitioner on bail relating to the case in P.R.C.No.55 of 2024 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, in Crime No.325 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who is facing a case for the offence under Sections 103(1) @ 103(1), 191(3) and 61(2)(a) of BNS, in P.R.C.No.55 of 2024 on the file of the learned



Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, in Crime No.325 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, the petitioner and the other accused are said to have murdered the husband of the defacto complainant. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations in this case that on account of a dispute, which arose relating to the bicycle, the petitioner along with the other accised are said to have attacked the deceased and caused his death and considering the fact that the petitioner is in custody from 19.07.2024 and that the investigation is completed and the charge sheet is already filed, 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 learned Judicial Magistrate No.I, Kovilpatti, 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;



(ii) the petitioner shall report before the trial Court for each and every hearing without fail;

(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/-
28/10/2024

/ TRUE COPY /

28/10/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate No.I,
Kovilpatti, Thoothukudi District..

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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



3. The officer incharge,
District Jail, Peroorani, Thoothukudi District..
4. The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.18598 of 2024
Date :28/10/2024

MK/28.10.2024 4P/6C

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