



CRL OP(MD). No.18633 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.18633 of 2024

Kasimayan,

... Petitioner/ Accused No.2

Vs

State of Tamil Nadu,
The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.295 of 2024).

... Respondent/Complainant

For Petitioner : Mr.N. Mohideen Basha,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.295 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 20.09.2024 for the offences punishable under Sections 103, 118(1), 191(2), 191(3), 296 (b) and 351(3) of BNS, in Crime No.295 of 2024 on the file of the respondent police,



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seeks bail.

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2.The case of the prosecution is that the defacto complainant is the brother of the deceased. Due to previous motive, the petitioner and the other accused are said to have abused the defacto complainant in filthy language and attacked her with reaper wood and caused death. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations in this case that the deceased has previously attacked A3's mother with aruval and a case under Section 307 of the Indian Penal Code has already been registered against the deceased and two days later, in retaliation to the said offence, the petitioner and the other accused are said to have joined together and hit the deceased with reaper wood and caused death, and though the petitioner is having 2 previous cases, considering the fact that the petitioner is in prison from 20.09.2024, 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 Additional Mahila Court (JM Level), Theni.

(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 stay at Sivagangai and report before the Sivagangai Town Police Station 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/-
28/10/2024

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



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DSS
TO
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1 THE ADDITIONAL MAHILA JUDGE
(JM LEVEL), THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

4 THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-13260[I] dated 28/10/2024)

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



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ORDER

IN

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Date :28/10/2024

SA/SAR. /28.10.2024/5P/8C

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