



CRL OP(MD). No.18643 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.18643 of 2024

Johnmildon,
S/o. Sesumuthu,
No.001, Karavattankudi
Vellur Post,
Mamamelkudi Taluk,
Pudukottai District.

... Petitioner/ Accused Rank not known

Vs

The State rep.by
State of Tamil Nadu,
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(In Crime No.378 of 2024).

... Respondent/ Complainant

For Petitioner : D.S.Haroon Rasheed,
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.378 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 24.08.2024 for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 109, 103 of BNS, in Crime No.378 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused are said to have come to the hotel of the defacto complainant and attacked the defacto complainant and his server with beer bottles by stating that they are the persons who quarreled with their brother. When the same was questioned by one Prabhu, who is a customer, who had come to the hotel at that time, they also brutally attacked him with beer bottles & stones on his head and caused death. Hence, the complaint.



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3.Heard both sides.

4.Considering the nature of the allegations in this case that merely because, the petitioner and the other accused are said to have gone to a restaurant and there merely because the omelette did not have enough salt, they picked up a quarrel with the owner of the restaurant, and at that time, the poor and innocent deceased person, who was the only customer to the restaurant, tried to intervene and were enraged by the same, the petitioner is said to have hit him on his head by a beer bottle, and caused his death and only considering the fact that the co-accused were also enlarged on bail by this court and considering the fact that the petitioner is in prison from 24.08.2024, 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 learned Judicial Magistrate, Aranthangi.



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(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 Ariyalur and report before the Ariyalur 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

/ TRUE COPY /

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



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TO
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1. The Judicial Magistrate No.I,
Madurai.
2. The Superintendent of Police,
Central Prison,
Madurai.
3. The Inspector of Police,
Theppakulam Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.18643 of 2024
Date :28/10/2024

SI -(28.10.2024) 5P/ 5C

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