



in CrI.O.P.(MD).No.19025 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos. 19025 & 19028 of 2024

Harikrishnan @ Hari,

... Petitioner / Accused No.2
in CrI.O.P.(MD).No.19025 of 2024

1. Mahendran,

2. Arunkumar @ Arun,

... Petitioners/ Accused No.3 & 4
in CrI.O.P.(MD).No.19028 of 2024

Vs

State Rep by
the Inspector of Police, Courtallam Police Station,
Tenkasi District. Crime No.366/2024..

... Respondent/Complainant
in both petitions

For Petitioners : Mr.K.Karansingh, Advocate.

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor

(In both petitions)

PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER :-

For Bail in Crime No.366/2024 on the file of the respondent Police.

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



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COMMON ORDER : The Court made the following common order :-

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The petitioners / Accused Nos.1 to 3, who were arrested and remanded to judicial custody on 30.09.2024 for the offences punishable under Sections 311, 115(2) and 351(3) of B.N.S. 2023 @ 311 IPC in Crime No.366 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant had downloaded an application called as Grindr App. The accused persons had also downloaded this application. They used to chat with all those persons, who have downloaded this application and ask them to come to some place and thereafter, attacked them and robbed the articles from them. The same modus operandi was adopted in this case also and on 29.09.2024, at about 12.30 a.m., the defacto complainant, who was chatting with the accused persons, was asked to come near the Tiger Falls and when he came there at around 01.00 a.m, the accused persons assaulted him and robbed his mobile phone and threatened the defacto complainant to withdraw a sum of Rs.10,000/- through his ATM Card and asked him to hand over the money. Totally, four accused persons are involved in this case and the petitioners have been arrayed as Accused Nos.1 to 3.

3. The learned counsel appearing for the petitioners submitted that a false case has been foisted against the petitioners and that they have nothing to do with the



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alleged offence. The learned counsel further submitted that one of the accused person has already been enlarged on bail by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent Police submitted that Accused No.1 has two previous cases, Accused No.2 has five previous cases and Accused No.3 has one previous case. The learned Additional Public Prosecutor further submitted that the petitioners are repeat offenders and therefore, he vehemently opposed the grant of bail to the petitioners on the ground that investigation is still pending.

5. Heard the learned appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

6. Taking into consideration the facts and circumstances of the case, this Court expressed its mind that this Court is not inclined to grant bail to Accused No.2, who is the first petitioner in CrI.O.P.(MD).No.19028 of 2024. Hence, the learned counsel sought the permission to withdraw the petition in CrI.O.P.(MD).No.19028 of 2024 insofar as Accused No.2 / first petitioner is concerned and accordingly, the petition in CrI.O.P.(MD).No.19028 of 2024 is dismissed insofar as the first petitioner (Accused No.2) is concerned.

7. The petitioner in CrI.O.P.(MD).No.19025 of 2024 has two previous cases and the second petitioner in CrI.O.P.(MD).No.19028 of 2024 (Accused No.3) has one



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previous case and those cases are not similar in nature to the case in hand and these petitioners have already undergone incarceration from 30.09.2024 onwards. This Court also takes into consideration the fact that Accused No.4 was enlarged on bail by this court and that he also had one previous case and hence, this Court is inclined to grant bail to the petitioner in CrI.O.P.(MD).No.19025 of 2024 and the second petitioner in CrI.O.P.(MD).No.19028 of 2024 subject to the following conditions.

8. Accordingly, the petitioner in CrI.O.P.(MD).No.19025 of 2024 and the second petitioner in CrI.O.P.(MD).No.19028 of 2024 are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, out of which one surety shall be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Shenkottai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner in CrI.O.P.(MD).No.19025 of 2024 and the second petitioner in CrI.O.P.(MD).No.19028 of 2024 shall report before the respondent Police daily at 10.30 a.m until further orders.

[c] the petitioner in CrI.O.P.(MD).No.19025 of 2024 and the second petitioner in



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Crl.O.P.(MD).No.19028 of 2024 shall not tamper with evidence or witness either during investigation or trial.

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[d] the petitioner in Crl.O.P.(MD).No.19025 of 2024 and the second petitioner in Crl.O.P.(MD).No.19028 of 2024 shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/11/2024

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05 / 11 / 2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



in Crl.O.P.(MD).No.19025 of 2024

TO
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- 1 THE JUDICIAL MAGISTRATE
SHENKOTTAI.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, COURTALLAM POLICE STATION,
TENKASI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD). Nos. 19025 & 19028 of 2024
Date :05/11/2024

PSP/ /SAR /05.11.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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