



CRL OP(MD). No.19070 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19070 of 2024

S.Sarathy @ Parthasarathy

... Petitioner/ Accused No.5

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Crime No.351 of 2024.

... Respondent/Complainant

For Petitioner : M/s.Guru Sundar.T, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.351 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on



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11.09.2024 for the offences under Section 194 of BNSS (hereinafter referred to as new procedure code) @ Section 103(1) of BNS (hereinafter referred to as new penal code) in Crime No.351 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased/Rajamanickam is said to have repeatedly sent obscene messages to the wife of A2 and this was condemned by A2 and his wife on many occasions. However, the deceased continued to send such messages. Under such circumstances, the accused persons conspired together and decided to do away with the deceased. On 08.09.2024 at about 03.00 p.m, A1 asked the deceased to come to the place of occurrence and on reaching the place, the deceased was assaulted by the accused persons. As a result of which, he succumbed to the injuries. Initially, the FIR was registered under Section 194 of new procedure code and thereafter, it was altered to Section 103(1) of new penal code. There are totally eight accused persons in this case and the petitioner has been arrayed as A2.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that there is only one previous case against the petitioner, who is aged about 21 years and the petitioner has already suffered incarceration from 11.09.2024 onwards, this Court is inclined to grant bail to the petitioner subject to the



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following conditions.

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6. Accordingly, the criminal original petition is ordered 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.VI, Madurai, 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 shall report before the respondent police every Monday and Friday at 05.30 p.m until further orders except on the days when the case is posted for hearing before the trial Court.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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



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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].

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

sd/-
06/11/2024

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06 / 11 / 2024

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

LR

TO

1 THE JUDICIAL MAGISTRATE
NO.VI, MADURAI.

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

3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.

4 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.

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



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+1. CC to M/S.GURU SUNDAR.T Advocate SR.No.13649(I) dated 06/11/2024

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ORDER

IN

CRL OP(MD) No.19070 of 2024

Date :06/11/2024

PSP/ /SAR /06.11.2024/ 5P/ 7C

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