



CRL OP(MD). No.19091 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Balasekar

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nanguneri Police Station,
Nanguneri, Tirunelveli District.
Crime No. 470/2024.

... Respondent/Complainant

For Petitioner : M.S.Jeyakarthik, Advocate

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 470 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial



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custody on 19.10.2024 for the offences under Sections 109(1), 296(b), 351(3) BNS (hereinafter referred to as new penal code) in Crime No.470 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was involved in a murder case and he was arrested and remanded to judicial custody in that case, which was investigated in Crime No.163 of 2024, on the file of the Moondradaippu Police Station. The petitioner was enlarged on bail in that case. After coming out on bail, he is said to have threatened the defacto complainant not to depose against the petitioner. He had also attempted to attack the defacto complainant with Aruval. Based on the same, the present FIR has been registered against the petitioner.

3. The learned Counsel appearing for the petitioner submitted that the petitioner was regularly complying with the condition that was imposed while he was enlarged on bail in the earlier case and that a false case has now been foisted against the petitioner with an ulterior motive.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation was completed and police report was filed in the earlier case, which is now pending in P.R.C.No.44 of 2024, on the file of the learned Judicial Magistrate, Nanguneri. The learned Additional Public Prosecutor further submitted that no other previous case is pending against the



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petitioner and if in the course of the investigation, such a threat made by the petitioner comes to light, steps will also be taken to cancel the bail granted in favour of the petitioner in the earlier case.

5.This Court carefully considered the submissions made on either side and materials available on record.

6.On carefully reading the FIR that has been registered against the petitioner, it is stated that the petitioner threatened the defacto complainant and attempted to attack the defacto complainant with Aruval. But however, the defacto complainant evaded the said attack. This allegation requires investigation. If ultimately, it is found that the incident had actually taken place and the petitioner had threatened the defacto complainant, the concerned police will have to necessarily take steps to cancel the bail that was granted in favour of the petitioner in the other case. If the allegations made against the petitioner is true, obviously, he is violating his liberty that was given to him by the Court while enlarging him on bail in the earlier case.

7.Taking into consideration the facts and circumstances of the case and also of the fact that this petitioner has already suffered incarceration from 19.10.2024 and the judicial custody of the petitioner need not continue any further, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the criminal original petition is ordered and the petitioner is



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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, Nanguneri, 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 learned Judicial Magistrate, Nanguneri, daily at 10.30 a.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 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
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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
NANGUNERI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT.

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

+1. CC to M.S.JEYAKARTHIK Advocate SR.No.13657(I) dated 06/11/2024



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ORDER
IN
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Date :06/11/2024

PSP/ /SAR /06.11.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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