



CRL OP(MD). No.19095 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19095 of 2024

Sakthivel @ Ayyar

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No. 542/2024.

... Respondent/Complainant

For Petitioner : Mr.A.Senthilkumar, Advocate
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 542 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 13.10.2024 for the offences under Sections 296(b), 308(5) and 351(3) BNS (hereinafter referred to as new penal code) and Section 25(1A) of Arms Act in Crime No.542 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.10.2024, the petitioner was holding a deadly weapon (Patta Kathi) in a public place and was threatening the general public and was intimidating them to pay him money. On seeing the same, the police surrounded the petitioner and he was apprehended and he was arrested and remanded to judicial custody. While the petitioner was arrested and was taken in the Jeep, the petitioner all of a sudden jumped from the jeep and attempted to cross the road median. As a result of which, he tripped and fell down and sustained leg injury. The petitioner, after his arrest, was given treatment in the Government Hospital, Kumbakonam.

3. The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and the manner, in which, the incident has been explained in the FIR itself shows that no such incident had taken place in this case. The learned Counsel further submitted that proper treatment was not given to the petitioner and therefore, the petitioner filed a writ petition in W.P(MD)No.24478 of 2024, which was disposed of by giving a direction to the Superintendent of Central Prison, Trichy to get the opinion of the Dean of the Mahatma Gandhi Memorial



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Hospital, Trichy, for conducting surgery in the leg in which the petitioner sustained injury. The learned Counsel submitted that no opinion was sought for and the petitioner was not given proper treatment. The petitioner has already suffered incarceration from 13.10.2024.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is a history sheet rowdy and that he has nearly eleven previous cases against him, which includes one murder case, three Arms Act cases, one TNPPDL Act cases and two TN Prohibition Act Cases. That apart, there are also two sand theft cases pending against him. The learned Additional Public Prosecutor further submitted that the petitioner is a nuisance to the general public and therefore, he vehemently opposed the grant of bail to the petitioner.

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

6.When the matter came up for hearing on the previous occasion on 06.11.2024, this Court directed the learned Additional Public Prosecutor to take instructions with respect to the opinion of the Dean of Mahatma Gandhi Memorial Hospital, Trichy. When the matter was taken up for hearing today, the opinion of the Dean was placed before this Court. The Dean has opined that the conservative treatment was given to



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the petitioner with plaster, which resulted in good alignment of the bones and the external wound has also healed. Therefore, the treatment can be followed up in the Hospital by non operative methods.

7.Taking into consideration the facts and circumstances of the case and also the manner, in which, the incident is said to have taken place and also considering the fact that the petitioner has suffered incarceration from 13.10.2024 onwards and the medical reports that have been placed before this Court, 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 ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 No.II, Kumbakonam, Thanjavur District, 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 daily at 05.30 p.m until further orders except on the days when the case is posted for hearing before the trial Court.



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without fail.

[c] the petitioner shall appear before the trial Court during every hearing date

[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].

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

sd/-
11/11/2024

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11 / 11 / 2024

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

LR

TO

1 THE JUDICIAL MAGISTRATE, NO.II KUMBAKONAM, THANJAVUR DISTRICT.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THANJORE DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to A.SENTHILKUMAR Advocate SR.No.13782 (I) dated 11/11/2024

ORDER

IN

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Date :11/11/2024

PSP/ /SAR /11.11.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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