



CRL OP(MD). No.19194 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19194 of 2024

Sakthi Murali,

... Petitioner/ Accused No.5

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Crime No. 232/2024.

... Respondent/ Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : Mr.Dharani

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.232 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 17.09.2024 for the alleged offence under Sections 109, 309(4)(NP), 351(3) and 49 of BNS in Crime No.232 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the *defacto* complainant is a practising Advocate at Aruppukkottai. Accused No.4 is the Secretary of Nadar Uravinmurai and accounts were sought for from Accused No.4. As a result, there was some previous enmity. On 21.08.2024, at about 10.00 p.m., the *defacto* complainant and his relatives were travelling in a car and the said car was intercepted by a two-wheeler and the accused persons indiscriminately attacked the *defacto* complainant and stabbed him in the right eye, stomach and back. Thereafter, all of them fled the scene of occurrence. There are totally five accused persons in this case and the petitioner has been arrayed as Accused No.5.

3. The learned counsel appearing for the petitioner submitted that the petitioner has nothing to do with the alleged offence and that he is falsely roped in this case and that he has suffered incarceration from 17.09.2024.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that it is a planned attack on the *defacto* complainant. As a result of which, the *defacto* complainant sustained grievous injuries and he took treatment in the hospital for nearly two months and was later discharged. The learned Government Advocate further submitted that Accused Nos.3 to 5 have been arrested in this case and Accused Nos.1 and 2 are still absconding. The learned Government Advocate (Criminal Side) appearing for the respondent Police further submitted that Accused No.4 had abated the crime and Accused Nos.1 to 3 and 5 attacked the *defacto* complainant.

5. The learned counsel appearing for the intervener submitted that it was a planned attack by the accused persons and the *defacto* complainant, who was a practising Advocate, sustained grievous injuries. The learned counsel appearing for the intervener submitted that even today, the *defacto* complainant is yet to recover and he is taking treatment. Therefore, the learned counsel appearing for the intervener vehemently opposed the grant of bail to the petitioner.

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

7. In the instant case, the *defacto* complainant, who is a practising Advocate, has been attacked and he has sustained grievous injuries. Accused No.4 had filed a



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bail application before this Court in Crl.O.P.(MD).No.17920 of 2024 and he was enlarged on bail by an order dated 19.10.2024 by imposing a condition that he must stay at Chennai and report before the Flower Bazaar Police Station. The petitioner has suffered incarceration from 17.09.2024. The injured has already been discharged from the hospital.

8. In view of the same, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9. Accordingly, the petitioner is ordered to be released on bail on his 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, Aruppukottai 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 appear before the respondent Police daily at 10.30 a.m. and 05.30 p.m., until further orders.

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

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



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[e] 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]**.

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

sd/-
07/11/2024

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07/11/2024

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

TSG
TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.



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

+1 CC to M/s.M/S.AN LEGAL CONSULTANCY, Advocate (SR-13695[I] dated
07/11/2024)

ORDER
IN
CRL OP(MD) No.19194 of 2024
Date :07/11/2024

SS/SAR- /07/11/2024/ 6P/7C

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