



CRL OP(MD). No.19437 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

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1. Velraj

2. Raj

... Petitioners/ Accused No.10,12

Vs

The Tamilnadu State Rep. By,
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District,
(Crime No.403 of 2024).

... Respondent/Complainant

For Petitioner : M/s. Maya Perumal.S, Advocate

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.403 of 2024 in the file of the Respodant Police.



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ORDER: The Court made the following order :-

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The petitioners/A10 & A12, who were arrested and remanded to judicial custody on 10.10.2024 and 08.10.2024 respectively for the offences under Sections 191 (2), 191(3), 296(b), 127(1), 118(1), 103(1) and 351(3) BNS (hereinafter referred to as new penal code) and Section 4 of TNPHW Act in Crime No.403 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the dispute arose while conducting a funeral function. The accused persons are said to have attempted to conduct the funeral function in a private patta land. Hence, there was a wordy quarrel and the accused persons started attacking the deceased and others indiscriminately. There are totally 23 accused persons in this case and the petitioners before this Court have been arrayed as A10 and A12, who were arrested on 10.10.2024 and 08.10.2024 respectively. All the 23 accused persons have been arrested in this case.

3. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed the grant of bail to the petitioners on the ground that tense situation is prevailing in the village and that there is police picketing to avoid untoward incident. The learned Additional Public Prosecutor further submitted that insofar as A10 is concerned, he had attacked the deceased with wooden log and pushed him and thereafter, stamped him with his legs. Insofar as A12 is concerned,



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the overt act attributed is that he caught hold of the deceased when he was attacked.

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4. The learned Counsel appearing for the petitioners submitted that a false case has been foisted against the petitioners and that the petitioners have nothing to do with the alleged offence. The learned Counsel further submitted that already A14 and A20 have already been granted bail by the trial Court. The petitioners are willing to comply with any condition imposed by this Court.

5. In reply, the learned Additional Public Prosecutor submitted that A14 and A20 were ladies, who were having toddlers, who were fed milk on regular basis. Only considering the same, they were released on bail and no other accused persons were granted bail in this case.

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

7. Taking into consideration the facts and circumstances of the case and also the manner, in which, this incident has taken place in the spur of the moment and also considering the fact that the petitioners have suffered incarceration for nearly a month and taking into consideration the tense situation prevailing in the village, this Court is inclined to grant bail to the petitioners subject to the following conditions.

8. Accordingly, the criminal original petition is ordered and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-



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(Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivagiri, Tenkasi 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 petitioners shall stay at Trichy and shall report before the Inspector of Police, Fort Police Station, Trichy daily at 10.30 a.m. and 05.30 p.m until further orders.

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

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

[e] the petitioners 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 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].



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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/-
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
SIVAGIRI, TENKASI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT,

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

Copy to
THE INSPECTOR OF POLICE, FORT POLICE STATION,
TRICHY



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WEB COPY +1. CC to M/S. MAYA PERUMAL.S Advocate SR.No.13812(I) dated 11/11/2024

ORDER
IN
CRL OP(MD) No.19437 of 2024
Date :11/11/2024

PSP/ /SAR /11.11.2024/ 6P/ 8C

Madurai Bench of Madras High Court is issuing certified
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