



CRL OP(MD). No.19715 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19715 of 2024

1. Nagaraj,

2. Bala @ Balamurugan,

3. Palraj,

... Petitioners/ Accused Nos.1, 3 & 5

Vs

The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Crime No. 238 of 2024..

... Respondent/Complainant

For Petitioners : Mr.Maya Perumal.S,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



CRL OP(MD). No.19715 of 2024

PRAYER :-
WEB COPY

For Bail in Crime No. 238 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 5, who were arrested and remanded to judicial custody on 20.09.2024 and Accused No.3, who was arrested on 13.09.2024 for the offence under Sections 191(2), 192(3), 296(b), 115(2), 118(2), 351(3) of BNS and Section 4 of Prohibition of Harassment of Women Act, 2002 and altered into Sections 191(2), 192(3), 296(b), 115(2), 351(3), 103(2) of BNS and 3(5) of BNS Act and Section 4 of Prohibition of Harassment of Women Act, 2002 in Crime No.238 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the grandson of the deceased assaulted Accused No.2 and as a retaliation, he was assaulted by the accused persons. The deceased intervened and therefore, he was attacked by the accused persons and he sustained grievous injuries on 12.09.2024. Ultimately, he succumbed to the injuries on 19.09.2024. There are totally six accused persons involved in this case. Accused Nos.1, 2 and 4 are the brothers. Accused Nos.3 and 5 are the sons of Accused No.5 and Accused No.4 is the wife of Accused No.5. There are totally six accused persons



CRL OP(MD). No.19715 of 2024

involved in this case. The petitioners herein are arrayed as Accused Nos.1, 3 and 5.

WEB COPY

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

4. Taking into consideration the facts and circumstances of the case and the manner in which the incident had taken place in this case and considering the fact that the deceased was aged about 65 years and he died nearly seven days after the incident and also the fact that Accused No.3 has suffered incarceration from 13.09.2024 and Accused Nos.1 and 5 have suffered incarceration from 20.09.2024 and also considering the fact that Accused Nos.2, 4 and 6 were also enlarged on bail by this Court in CrI.O.P.(MD).No.17097 of 2024 dated 05.11.2024, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sattur and on further conditions that:-



CRL OP(MD). No.19715 of 2024

[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 report before the respondent Police daily at 10.30 a.m until further orders.

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

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

[e] 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].

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

sd/-
13/11/2024

/ TRUE COPY /

/ /2024

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



CRL OP(MD). No.19715 of 2024

TSG
WEB COPY

TO

- 1.The Judicial Magistrate No.II, Sattur.
 - 2.The Chief Judicial Magistrate viruthunagar district
 - 3.The Superintendent, Sub Jail, Aruppukkottai.
 - 4.The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District. Crime No. 238 of 2024..
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc TO M/s Maya perumal, Advocate, SR.No. 13968 dated 13/11/2024

ORDER
IN
CRL OP(MD) No.19715 of 2024
Date :13/11/2024

KB(13.11.2024)/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.