



CRL OP(MD). No.19500 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19500 of 2024

P.Ponmuthupandi

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Sankaralingampuram Police Station,
Thoothukudi District.
Crime No.63 of 2024.

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.63 of 2024 on the file of the respondent police.



CRL OP(MD). No.19500 of 2024

ORDER : The Court made the following order :-

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The petitioner/sole accused, who was arrested and remanded to judicial custody on 18.07.2024 for the offences under Sections 126(2), 308(4), 296(b), 118(1), 109(1) and 351(3) BNS (hereinafter referred to as new penal code) in Crime No.63 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.07.2024, the petitioner restrained the defacto complainant wrongfully and abused in filthy language and tried to extract money from him. When the defacto complainant refused to pay the money, the accused attacked him with knife and caused injuries in his face.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is a history sheeter and he has twenty four previous cases pending against him. The learned Additional Public Prosecutor further submitted that the petitioner gave a false complaint as if he was also attacked and the same was investigated in Crime No.64 of 2024 and ultimately, closure report was filed before the learned Judicial Magistrate, Vilathikulam, Thoothukudi.

4. The learned Counsel appearing for the petitioner submitted that the defacto



CRL OP(MD). No.19500 of 2024

WEB COPY

complainant is the aggressor in this case and that the complaint given by the petitioner was not properly investigated by the respondent police and the respondent police is attempting to project as if there are previous cases pending against the petitioner and accordingly, they proceeded to close the case given by the petitioner. The learned Counsel further submitted that the petitioner has suffered incarceration from 18.07.2024 and that the investigation has been completed in this case and the same is now pending before the learned Judicial Magistrate, Vilathikulam, thoothukudi in P.R.C.No.6 of 2024.

5. Taking into consideration the facts and circumstances of the case and the submissions made on either side and considering the fact that the investigation has been completed in this case and the case is now pending before the concerned Court and also considering that this petitioner has already suffered incarceration from 18.07.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. 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, each for a like sum to the satisfaction of the



CRL OP(MD). No.19500 of 2024

learned District Munsif cum Judicial Magistrate, Vilathikulam Thoothukudi

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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 learned Judicial Magistrate, Vilathikulam daily at 10.30 a.m until further orders.

[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].



CRL OP(MD). No.19500 of 2024

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
19/11/2024

/ TRUE COPY /

19/11/2024
Sub-Assistant Registrar (AD-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VILATHIKULAM THOOTHUKUDI DISTRICT.,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
SANKARALINGAMPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-14188[I] dated 19/11/2024)



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CRL OP(MD). No.19500 of 2024

ORDER

IN

CRL OP(MD) No.19500 of 2024

Date :19/11/2024

RK (19/11/2024) 6P / 7C

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