



CRL OP(MD). No.19503 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Duraipandi @ Udaiyar

... Petitioner/ Accused No.11

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Crime No. 529/2024.

... Respondent/ Complainant

For Petitioner : Mr.Dr.R.Alagumani

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 529 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ A11, who was arrested and remanded to judicial custody on 16.10.2024 for the offences under Sections 191(2), 191(3), 192, 352, 296(b), 285, 132, 109(1) and 351(3) BNS (hereinafter referred to as new penal code) and Sections 25 (1A), 25(1B)(a) r/w Sections 4(a), 5 of Explosive Substances Act in Crime No.529 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.10.2024, nearly 15 accused persons were travelling in two vehicles. The vehicles were intercepted at about 14.30 hours and all of a sudden, A1 gave the gun to A2 and A2 attempted to shoot the police officials in order to prevent them from conducting the search. Immediately, all the accused persons were apprehended and on search, it was found that they were found with six Aruval, three countrymade bombs and one countrymade pistol. There are totally 15 accused persons in this case and the petitioner has been arrayed as A11.

3. The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner has suffered incarceration from 16.10.2024 onwards.



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4. *Per contra*, the learned Additional Public Prosecutor appearing for the respondent police submitted that the accused persons were travelling in two vehicles with deadly weapons in order to attack persons belonging to a different community, which would have resulted in a communal violence. The petitioner had driven one of the vehicle.

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

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner had driven one of the vehicle and also the fact that this petitioner has already suffered incarceration from 16.10.2024 onwards and the co-accused/ A13 has already been enlarged on bail as per the order of this Court in CrI.O.P(MD) No.19348 of 2024, dated 11.11.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. 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



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Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Tirunelveli, Tirunelveli 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 10.30 a.m and 05.30 p.m until further orders** except on the days when the case is posted for hearing before the trial Court.

[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]**.



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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/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI, TIRUNELVELI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-13907[I] dated 12/11/2024)



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ORDER
IN
CRL OP(MD) No.19503 of 2024
Date :12/11/2024

SS/SAR- /12/11/2024/ 6P/7C

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