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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.19605 of 2024

1. Madhan,

2. Pradeep,

... Petitioners/ Accused Nos.1 and 2

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Bodinayakanur Rural Police Station,
Theni District.
(Crime No.336 of 2024).

... Respondent/ Complainant

For Petitioners : Mr.Anandan.K,
Advocate.

For Respondent : Mr.S.Ravi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.336 of 2024 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioners / Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 24.10.2024 for the alleged offence under Sections 191(2), 192(3), 126(2), 296(b), 308(4) and 351(3) of BNS in Crime No.336 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused persons intercepted a lorry and the Driver of the Lorry was threatened by the accused persons and they demanded money from him. There are totally five accused persons in this case and the petitioners are arrayed as Accused Nos.1 and 2.

3. The learned Additional Public Prosecutor appearing for the respondent Police on instructions submitted that the Accused No.1 has one previous case and Accused No.2 has six previous cases. The particulars of the previous cases against the second accused was also furnished before this Court.

4. The learned counsel appearing for the petitioners submitted that a false case has been foisted against the petitioners and that this Court had already granted



anticipatory bail to Accused No.5 in CrI.O.P.(MD).No.18830 of 2024 by an order dated 05.11.2024.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that there are previous cases against the petitioners, this Court is inclined to entertain this bail application only insofar as first petitioner (Accused No.1) is concerned and dismiss the bail application insofar as the second petitioner (Accused No.2) for the present.

6. Accordingly, the first 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, Bodinayackenur 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 first petitioner shall report before the respondent police on every Friday at 05.30 p.m. for a period of four weeks and thereafter, as and when required for

interrogation;

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

[d] the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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/-
13/11/2024

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13/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1.The Judicial Magistrate, Bodinayackenur.
2. The Chief Judicial Magistrate, Theni
- 3.The Superintendent,
District Jail, Thekkampatti, Theni.



5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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