



CRL OP(MD). No.19946 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.19946 of 2024

Mariappan

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
Crime No. 31 of 2020.

... Respondent/Complainant

For Petitioner : M/s. Muthupandian,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 31 of 2020 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 17.10.2024 for the offences under Sections 376, 448 and 506(i) of IPC in Crime No.31 of 2020 on the file of the respondent police, seeks bail.

2. The petitioner is facing trial before the Court below in S.C.No.419 of 2021 for the offence under Sections 376, 448 and 506(i) of IPC. Since the petitioner did not appear before the Court on 09.10.2024, a non bailable warrant was issued and the same was executed on 17.10.2024 and the petitioner was produced before the Court. He was remanded to judicial custody.

3. Heard the learned Counsel appearing on either side.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the witnesses P.W.1 to P.W.5 were examined in chief on 21.11.2024 and these witnesses were not cross examined on the side of the petitioner.

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



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petitioner was absent for only one hearing and that he will appear before the Court during every date of hearing without fail and he will also take immediate steps to cross examine the witnesses P.W.1 to P.W.5. That apart, the petitioner will also cross examine the other witnesses examined on the side of the prosecution on the same day of their examination in chief.

5.Taking into consideration the facts and circumstances of the case and considering the submissions made on either side, 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 learned **District Munsif cum Judicial Magistrate, Cheranmagadevi** 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 appear before the trial Court during every hearing



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date without fail.

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

[d] the 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 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]**.

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

sd/-
22/11/2024

/ TRUE COPY /

22/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, CHERANMAHADEVI.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

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

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

+1 CC to M/s.A.P.MUTHU PANDIAN, Advocate (SR-14403[I] dated 22/11/2024)

ORDER

IN

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Date :22/11/2024

SA/SAR- /21/11/2024/ 5P/7C

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