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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19896 of 2024

Kathiresan, ... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
Crime No. 941 of 2024..

... Respondent/Complainant

For Petitioner : Mr.Senthi Murugan. C,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 941 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /accused No.1, who was arrested and remanded to judicial



custody on 05.11.2024, for the offence under Sections 296(b), 308(5), 351(3) and 115 (2) of BNS, 2023 r/w. Section 25(1-A) of Arms Act in Crime No.941 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 02.11.2024 at about 09.55 p.m. two persons approached the *defacto* complainant and threatened him in knife point and took away a sum of Rs.1,000/-. There are totally two accused persons in this case and the petitioner has been arrayed as Accused No.1.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner is a college student, studying B.A., second-year degree.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the entire incident has been captured in CCTV and the accused persons have been identified and further submitted that Accused No.2 is absconding. It was further submitted that there are no previous cases against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also

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considering the fact that the petitioner is a college going student and there are no previous case against the petitioner and the petitioner has suffered incarceration from 05.11.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the 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 No.I, Thanjavur 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 respondent Police every Monday and Friday at 05.30 p.m. until further orders.

[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 of BNS, 2023.

sd/-
18/11/2024

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18/11 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1.The Judicial Magistrate No.I, Thanjavur.
- 2.The chief Judicial Magistrate Thanjavur @ Kumbakonam
- 3.The Superintendent, District Prison, Thanjavur.
- 4.The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District,



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

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ORDER
IN
CRL OP(MD) No.19896 of 2024
Date :18/11/2024

KB/18.11.2024 5P/6C

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