



CRL OP(MD). No.19857 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

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Risathraj

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No. 362/2024.

... Respondent/Complainant

For Petitioner : M/s. Rajaboopathy. D, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No. 362 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 22.10.2024 for the offences under Sections 296(2), 132, 351(3) of BNS



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(hereinafter referred to as new penal code) and Section 25(1A) of Arms Act in Crime No.362 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 22.10.2024 when the police was conducting surveillance, the petitioner is said to have shown a long Aruval to the police and threatened them with dire consequences and abused them in filthy language. Immediately, the weapon was seized and the petitioner was arrested and the FIR was registered.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is a habitual criminal, who has nineteen previous cases against him. Considering the conduct of the petitioner, already steps have been taken in two cases to cancel the bail that was granted to the petitioner and notice has also been ordered. Hence, he vehemently opposed the grant of bail to the petitioner.

4. The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the manner, in which, the entire incident has been projected by the respondent police and also considering the fact that this petitioner has suffered incarceration from 22.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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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 Judicial Magistrate, Periyakulam, Theni 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, Periyakulam, Theni District, 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



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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
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 JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT JAIL, THEGAMPATTI, THENI.

4 THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.19857 of 2024
Date :22/11/2024

SA/SAR. /22.11.2024/5P/6C

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