



CRL OP(MD). No.19862 of 2024

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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

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Ramesh,

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Srivaikundam Police Station,
Srivaikundam,
Thoothukudi District.
Crime No. 211 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.Pragalathan. N,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 211 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner /Accused No.1, who was arrested and remanded to judicial custody on 12.08.2024 for the offence under Sections 49, 296(b), 126, 109, 351(3) of BNS, 2023 @ 103 of BNS, 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that some of the goats belonging to the *defacto* complainant went missing and the *defacto* complainant came to know that A2 and A4 are involved in this crime. The *defacto* complainant's father-in-law is the deceased in this case. The husband of the *defacto* complainant went and questioned the accused persons regarding the missing of goats. This became the motive for the commission of crime, whereby, the deceased was attacked indiscriminately and sustained grievous injury on 07.08.2024. Ultimately, he succumbed to the injuries on 19.08.2024. There are totally 4 accused persons in this case and the petitioner has been arrayed as Accused No.1

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

4. The learned Additional Public Prosecutor appearing for the respondent



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Police submitted that the petitioner is a main accused in this case. He further submitted that there are three cases pending against the petitioner, out of which, one under Section 307 of IPC, another under Section 324 of IPC and another under the Tamil Nadu Prohibition Act.

4. Taking into consideration the facts and circumstances of the case and the petitioner has suffered incarceration from 12.08.2024 onwards and considering the fact that Accused No.4 was granted bail in Crl.O.P.(MD).No.18501 of 2024, by an order dated 25.10.2024 and Accused Nos.2 and 3 have been granted bail by this Court in Crl.O.P.(MD).No.19342 of 2024, by an order dated 11.11.2024 and investigation has been completed and the case is now pending before the learned Judicial Magistrate, Srivaikundam in P.R.C.No.14 of 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, Srivaikundam, Thoothukudi District and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity.

[b] the petitioner shall appear before the trial Court on every date of hearing without fail.

[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/-

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18/11/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.19862 of 2024

Date :18/11/2024

SS/SAR- /18/11/2024/ 5P/6C

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