



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

WEB COPY

Date : 20.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.20096 and 20156 of 2024

Saravanakumar

... Petitioner/ Accused 2
(in CRL OP(MD). No.20096 of 2024)

Petchimuthu @ Arumuganainar

... Petitioner / Accused
(in CRL OP(MD). No.20156 of 2024)

Vs

The State of Tamil Nadu
rep by the Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
Crime No. 76 of 2024.

... Respondent/ Complainant
(in both cases)

For Petitioner : Mr.V.Maharajan,
Advocate.
(in CRL OP(MD).No.20096 of 2024)

For Petitioner : Mr.R.M.Makesh Kumaravel,
Advocate.
(in CRL OP(MD).No.20156 of 2024)

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor
(in both cases)



PETITIONS FOR BAIL Under Sec.483 of BNSS, 2023.

WEB COPY

PRAYER :-

For Bail in Crime No. 76 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused, who were arrested and remanded to judicial custody on 03.09.2024 for the offence under Section 103 of BNS, 2023, in Crime No.76 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the goats belonging to the deceased had grazed the agricultural field of the accused persons and as a result, the accused persons had threatened and attacked the helpers of the deceased. Complaint was also given in this regard and FIR came to be registered. Under such circumstances, the accused persons are said to have exerted pressure on the deceased to withdraw the case. The case was not withdrawn. On 30.08.2024, the accused persons are said to have attacked him with deadly weapons. Hence, the case.

3. The learned counsel for the petitioners submitted that A1 has suffered incarceration from 31.08.2024 and A2 has suffered incarceration from 03.09.2024 and that a false case has been foisted against the petitioners.

4. The learned Additional Public Prosecutor (Criminal Side), on instructions,

<https://www.mhc.tn.gov.in/judis>

submitted that there are 4 previous cases against A1 and 4 previous cases against A2



also and the accused persons had pressurised the deceased to withdraw the complaint. He further submitted that the investigation has been completed and the final report has been filed before the concerned Court on 04.11.2024.

5. Heard the learned counsels appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioners have suffered incarceration for more than 80 days and the investigation has been completed and final report has been filed, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivaikundam, 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 petitioners shall report before the respondent Police daily at 10.30 a.m till receiving summons from the concerned Court after final report is taken cognizance. Thereafter, appear before the concerned Court during every date of hearing without fail.



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

20/11/2024

/ TRUE COPY /

/ /2024

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVAIKUNDAM

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.



3 THE INSPECTOR OF POLICE,
AWARTHIRUNAGARI
POLICE STATION,
THOOTHUKUDI DISTRICT,

4 THE SUPERINTENDANT,
CENTRAL JAIL,
PALAYAMKOTTAI.

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

+1CC to M/s.R.M.Makesh Kumaravel(SR.No.14250)

+1. CC to M/S. MAHARAJAN. V Advocate SR.No.14262

ORDER
IN
CRL OP(MD) No.20096 of 2024
Date :20/11/2024

MGJ(20.11.2024) 5P 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023