



CRL OP(MD). No.20414 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20414 of 2024

Balasubramaniyan @ Kundu Bala

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur,
(Crime No. 598 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Gurumoorthy. S, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 598 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 05.11.2024 for the offence under Sections 296(b), 308(5) and 351(3) of BNS and Section 25(1A) of Arms Act in Crime No.598 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant is working as

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Supervisor in a TASMAC shop. On 05.11.2024 at about 12.30 p.m., the petitioner is said to have come to the spot and threatened the defacto complainant and demanded a sum of Rs.500/-. The petitioner is also said to have brandished his scythe.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is a history sheeter and that he has six previous cases pending against him and he is also involved in heinous crimes. He further submitted that the petitioner was arrested only on 05.11.2024 and therefore, vehemently opposed the grant of bail to the petitioner.

4. Per contra, the learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner, since he has some previous cases.

5. Taking into consideration the facts and circumstances of the case and the manner in which the incident has been projected by the prosecution and considering the previous cases against the petitioner and also taking into account the fact that 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 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 No.II, Kumbakonam and on further conditions that:-



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[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 No.II, Kumbakonam daily at 10.30 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/-
25/11/2024

/ TRUE COPY /

25/11/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE, KUMBAKONAM TALUK POLICE STATION,
THANJAVUR.

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

+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-14465[I] dated 25/11/2024)

ORDER

IN

CRL OP(MD) No.20414 of 2024

Date :25/11/2024

RS/IT/SAR-(25.11.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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