



WEB COPY



CRL OP(MD). No.20708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20708 of 2024

V.Muktheeswaran

... Petitioner/1st Accused

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
Cr.No.179/2024.

... Respondent/Complainant

For Petitioner : Mr.K.Karan Singh, Advocate

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Cr.No.179 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 02.11.2024 for the offences under Sections 296(b), 132, 121(1), 109(1) and 351(3) of BNS Act in Crime No.179 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Police was on regular rounds on

31.10.2024 and at about 17.00 hrs when they were going near the TASMACH shop, two



CRL OP(MD). No.20708 of 2024

WEB COPY

persons, who were causing trouble on seeing the Police attempted to run away from the spot and they got into a Car, which was driven by the petitioner/ A1. When the Car was intercepted and the petitioner was asked to get down from the Car, he started abusing the Police in filthy language and the Inspector of Police was attempted to be dashed with the Car and she was also attacked by the accused persons, as a result of which, she sustained injuries. There are totally 2 accused persons and the petitioner has been arrayed as A1.

3.The learned counsel for the petitioner submitted that this a put up case and a false case has been foisted against the petitioner. There were some previous cases registered against the petitioner and in all those cases, he was enlarged on bail and he was regularly appearing before the Court. While so, on 21.09.2024, the Police officials came to the house of the petitioner in mufti and asked the petitioner to go along with them for enquiry. The petitioner questioned the same, as a result, he was attacked by the Police officials indiscriminately in the presence of his parents and he sustained injuries and he was forcibly boarded in a Police Jeep. In order to cover up this incident, the present case has been foisted against the petitioner. Regarding this incident, a complaint has also been given to the Inspector of Police on 22.09.2024.

4.The learned Additional Public Prosecutor submitted that the petitioner and the other accused persons attempted to attack the Police and tried to dash the



CRL OP(MD). No.20708 of 2024

WEB COPY

Car on the lady Inspector of Police, who sustained injuries. He further submitted that this petitioner is having 7 previous cases against him and he is also a history sheeter. In this case, A2 is still absconding. Hence, he vehemently opposed grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the manner in which the incident is said to have been taken place and considering the stand taken by the petitioner and the fact that the petitioner has suffered incarceration from 02.11.2024, for an occurrence, which is said to have taken place on 31.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. 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 Thiruppuvanam, 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;



CRL OP(MD). No.20708 of 2024

WEB COPY

[b] the petitioner shall report before the Judicial Magistrate, Thiruppuvanam daily at 10.30 a.m., until further orders, except on those days, where he has to attend the Court hearing in other pending cases;

[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 Act.

sd/-
27/11/2024

/ TRUE COPY /

27/11/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.20708 of 2024

PNM

TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.K.KARAN SINGH, Advocate (SR-14614[I] dated 27/11/2024)

ORDER
IN

CRL OP(MD) No.20708 of 2024

Date :27/11/2024

SA/SAR. /27.11.2024/5P/7C

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