



CRL OP(MD). No.20922 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Thanga Thurai,

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
The Inspector of Police,
Eathamozhi Police Station,
Kanniyakumari District.
At Nagercoil,
Crime No.242/2021.

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar,
Advocate.

For Respondent : Mr.S.Ravi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner on bail in SC No.149/2022 on the file of the learned Additional District Judge(Fast Track) Kanniyakumari District at Nagercoil and thus render justice.



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ORDER: The Court made the following order :-

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The petitioner / accused, who was arrested and remanded to judicial custody on 18.10.2024 and was facing trial for the offences under Sections 326 and 307 of IPC in SC No.149/2022 on the file of the learned Additional District Judge (Fast Track) Kanniyakumari District at Nagercoil, seeks bail.

2. The case of the prosecution is that on 26.09.2021, around 02.00 p.m., the petitioner is said to have attacked the deceased, who is the son, with a plunger and caused his death. The petitioner was arrested and later, enlarged on bail. The investigation was completed and the case was pending before the learned Additional District Judge(Fast Track) Kanniyakumari District at Nagercoil in S.C.No.149 of 2022. On the date of hearing on 12.09.2024, the petitioner was not present before the Court and therefore, non bailable warrant was issued to secure the petitioner and he was arrested on 18.10.2024 and he was produced before the Court and the petitioner was remanded to judicial custody.

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

4. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner was not present before the Court during one hearing date and the petitioner has suffered incarceration from 18.10.2024 and also



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considering the fact that the next hearing date is fixed on 04.12.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. 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 Additional District Judge (Fast Track), Kanyakumari at Nagercoil 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 trial Court 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
29/11/2024

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

TSG
TO

1 THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT), KANNYAKUMARI AT NAGERCOIL.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE,
EATHAMOZHI POLICE STATION,
KANNYAKUMARI DISTRICT.
AT NAGERCOIL

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



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+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-14737[I] dated 29/11/2024)

ORDER
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Date :29/11/2024

SA/SAR. /29.11.2024/5P/6C

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