



CRL OP(MD). No.21033 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.21033 of 2024

R.Merbin,

... Petitioner / Accused No.4

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.362 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.C.Herold Singh,
Advocate.

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.362 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 27.10.2024 for the alleged offences under Sections 118(1), 294(b) and 351 (3) of BNS and altered under Sections 118(1), 294(b), 351(3) and 103(1) of BNS, in Crime No.362 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.11.2024, at mid-night hours, the deceased is said to have knocked the door of the neighbours' house. Accused Nos.1 and 4, who are the son and mother, on seeing the deceased, started attacking him and the deceased started running and in the meantime, all the other neighbours were alerted and all of them started attacking the deceased. The deceased sustained injuries and ultimately, he succumbed to the injuries. There are totally six accused persons in this case and the petitioner has been arrayed as Accused No.5.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case and the submissions made on either side and also considering the manner in which the entire incident had taken place in the spur of the moment and also considering the fact that already A4 was granted anticipatory bail by this Court on 27.11.2024 in Crl.OP(MD).



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No.20574 of 2024 and there are no previous cases against this petitioner, this Court is

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inclined to grant bail to the petitioner subject to the following conditions:

5. 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, Kuzhithurai, Kanyakumari District, 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 respondent police daily at 05.30 p.m. for a period of 3 weeks and thereafter, as and when required.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS, 2023.

sd/-
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/ 12 /2024

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

PAL

TO

1 THE JUDICIAL MAGISTRATE
NO.I, KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, NARGERCOIL.

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

+1. CC to SC.HEROLD SINGH Advocate SR.No.14790(I) dated 02/12/2024



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ORDER
IN
CRL OP(MD) No.21033 of 2024
Date :02/12/2024

PSP/ /SAR /03.12.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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