



CRL OP(MD). No.21505 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21505 of 2024

Kattakali @ Kalimuthu

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu Rep.,
By, the Inspector of Police
Nalattinpudur Police Station,
Thoothukudi District
(Crime No. 173 of 2024).

... Respondent/Complainant

For Petitioner : M/s. Dinesh.J., Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 173 of 2024 on the file of the respondent police.



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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 26.09.2024 for the offences under Sections 109, 115(2), 296(b), 308(5), 351 (3) of BNS Act, 2023 in Crime No.173 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant already had a previous dispute, wherein, the petitioner attacked the defacto complainant, resulting in registration of FIR in Cr.No.518 of 2024. The petitioner was arrested in that case and later, enlarged on bail on 21.09.2024. After coming out on bail, it is alleged that the petitioner along with two other accused persons, once again assaulted the defacto complainant on 23.09.2024, as a result, the present FIR came to be registered. In this case, there are three accused persons and the petitioner has been arrayed as A1.

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

4.The learned Additional Public Prosecutor submitted that already steps



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have been taken by the respondent Police to seek for cancellation of bail that was granted in favour of the petitioner in Cr.No.518 of 2024. He further submitted that A2 and A3 are absconding, therefore, in this case investigation has not been completed.

5.Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 26.09.2024 and also taking note of the fact that the petitioner has misused his liberty and had committed another offence after coming on bail and steps have been taken to cancel the bail, 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 (one surety shall be blood relative of the petitioner), each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti, 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



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Book to ensure their identity;

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[b] the petitioner shall report before the respondent police daily at 10.30 a.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 Act.

sd/-
16/12/2024

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/12/2024

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

PNM



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TO
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1. The Judicial Magistrate No.II, Kovilpatti,
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Superintendent, Central Prison, Palayamkottai, Tirunelveli
4. The Inspector of Police
Nalattinpudur Police Station,
Thoothukudi District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.21505 of 2024
Date :16/12/2024

RK(16/12/2024) 5P / 6C

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