



CRL OP(MD). No.21369 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Abinesh

... Petitioner / Accused No.5

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.529 of 2024)

... Respondent / Complainant

For Petitioner : Dr.R.Alagumani, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.529 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 16.10.2024 for the alleged offences under Sections 191(2), 191(3), 192, 352,



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296(b), 285, 132, 109(1), 351(3) of BNS and Sections 25(1A), 25(1B)a of Arms Act and Section 4(a), 5 of Explosive Substances Act, 1908, in Crime No.529 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.10.2024, nearly 15 accused persons were travelling in two vehicles. The vehicles were intercepted at about 14.30 hours and all of a sudden, A1 gave the gun to A2 and A2 attempted to shoot the police officials in order to prevent them from conducting the search. Immediately, all the accused persons were apprehended and on search, it was found that they were found with six Aruval, three countrymade bombs and one countrymade pistol. There are totally 15 accused persons in this case and the petitioner has been arrayed as A5.

3. The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner has suffered incarceration from 16.10.2024 onwards.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that the accused persons were travelling in two vehicles with deadly weapons in order to attack persons belonging to a different community, which would have resulted in a communal violence. The petitioner had also participated in the commission of crime. He further submitted that there are 15



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previous cases against the petitioner.

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5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 16.10.2024 and this Court has already enlarged A11 and A13 on bail in Crl.OP(MD).No.19503 of 2024 and Crl.OP(MD).No.19348 of 2024 by order dated 12.11.2024 and 11.11.2024 respectively and taking note of the fact that there are 15 previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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.III, Tirunelveli, 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 learned Judicial Magistrate No.III, Tirunelveli, daily at 10.30 a.m. until further orders.



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[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/-
06/12/2024

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06/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To

1.The Judicial Magistrate No.III,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.



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3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

4.The Superintendent,
Central Prison, Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-15064[I] dated 06/12/2024)

ORDER
IN

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Date :06/12/2024

ED/ /SAR- (06/12/2024) 5P / 7C

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