



CRL OP(MD). No.21564 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21564 of 2024

Esakkimuthu

... Petitioner/ Accused (Rank Not Known)

Vs

The Sub Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.240/2023.

... Respondent/Complainant

For Petitioner	:	Mr.S.Selvakrishnan, Advocate
For Respondent	:	Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.240/2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.09.2024 for the offences under Sections 294(b), 324 and 506(ii) of IPC @ 294(b), 324, 307 and 506(ii) of IPC in Crime No.240 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.09.2023, the accused persons are said

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to have gone to the spot and abused the defacto complainant in filthy language.

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Thereafter, they assaulted him with stick (Karuku mattai). The defacto complainant sustained serious injuries. There are totally three accused persons in this case and the petitioner has been arrayed as A2.

3. Heard the learned Counsel appearing on either side.

4. Taking into consideration the facts and circumstances of the case and considering the fact that this petitioner has already suffered incarceration from 22.09.2024 and also considering the fact that already A1 and A3 have been enlarged on bail and taking note of the fact that there are five previous cases pending against the petitioner, 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 Judicial Magistrate No.I, Srivaikundam, 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 every Monday and



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Friday at 05.30 p.m until further orders.

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[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-
09/12/2024

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09/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, SRIVAIKUNDAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.SELVAKRISHNAN, Advocate (SR-15135[I] dated 09/12/2024)

ORDER

IN

CRL OP(MD) No.21564 of 2024

Date :09/12/2024

RS/IT/SAR-(09.12.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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