



CRL OP(MD). No.22215 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.22215 of 2024

1. Prakash

2. Ajith

... Petitioners/ Accused Nos.1 and 5

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Cr.No.439 of 2024

... Respondent/Complainant

For Petitioners : Mr.R.Balamuruganantham, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.439 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 5, who were arrested and remanded to judicial custody on 11.11.2024 for the offences under Sections 310(4), 310(5) of BNS in Crime No.439 of 2024 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the accused persons were preparing themselves to commit a robbery and they were in possession of deadly weapons.

There are totally five accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 5.



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3. The learned Additional Public Prosecutor appearing for the respondent Police submitted that Accused No.1 has five previous cases, out of which, one case is under Section 302 of IPC. Accused No.5 has three previous cases. He further submitted that the petitioners are repeatedly involved in committing crimes and therefore, vehemently opposed the grant of bail to the petitioners.

4. The learned counsel appearing for the petitioners submitted that a false case has been foisted against the petitioners and that the petitioners have suffered incarceration from 11.11.2024 onwards.

5. Taking into consideration the facts and circumstances of the case and the manner in which the prosecution has projected the case and also considering the fact that the petitioners have suffered incarceration from 11.11.2024 and taking note of the previous cases against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Manamadurai, Sivagangai District and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the learned Judicial Magistrate, Manamadurai, Sivaganga District daily at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
17/12/2024

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17/12/2024

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

TSG

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TO

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1 THE JUDICIAL MAGISTRATE, MANAMADURAI SIVAGANGAI DISTRICT

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

3 THE OFFICER INCHARGE, DISTRICT PRISION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE, MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

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Date :17/12/2024

RS/IT/SAR-(17.12.2024) 4P 6C

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