



CRL OP(MD). No.21979 of 2024

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

Date : 13.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH
CRL OP(MD). No.21979 of 2024

Sudalaimuthu

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Crime No.292 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.S.M.Mohan Gandhi, Advocate.

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

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

PRAYER :-

For Bail in Crime No.292 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 25.09.2024 for the alleged offences under Sections 296(b), 103(1), 351(3) of BNS Act, in Crime No.292 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a previous enmity between the parties. The deceased was attacked with aruval and knife by A1 to A3 and A4 to A7 are said to have waited in a nearby place to ensure that if the deceased escaped from A1 to A3, they were prepared to attack the deceased. There are totally 7 accused



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persons in this case, and the petitioner has been arrayed as A5.

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

4. The learned Additional Public Prosecutor submitted that the main overt act attributed as against A4 to A7 is that they were also part of the conspiracy and they were awaiting in a nearby place to ensure that if in case, the deceased escaped from A1 to A3, these accused persons prepared to attack the deceased. He further submitted that there are seven previous cases against the petitioner.

5. Taking into consideration the facts and circumstances of the case, and considering the fact that the petitioner has suffered incarceration from 25.09.2024 and the overt act attributed against the petitioner is that he was also involved in the conspiracy and was awaiting for the deceased and also taking note of the previous cases against the petitioner, and also considering the fact that A7 was already enlarged on bail in Crl.OP(MD).No.21146 of 2024 by an order dated 03.12.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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, Thoothukudi, and on further conditions that:-



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[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 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, 2023.

sd/-

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT JAIL, PEROORANI.

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

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-15394[I] dated 13/12/2024)

ORDER

IN

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Date :13/12/2024

RS/IT/SAR-(13.12.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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