



CRL OP(MD). No.22316 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Shiyam,

2.Parthiban,

...Petitioners / Accused 8 & 7

Vs

The State of Tamilnadu,
Represented by,
The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
(Crime No.855 of 2024)

... Respondent / Complainant

For Petitioners : 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. 855 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioners / Accused 8 & 7, who were arrested and remanded to judicial custody on 30.09.2024 for the alleged offence under Sections 103 and altered into 191(2), 191(3), 61(2) 103 @ 191(2), 191(3), 61(2), 3(5), 49, 54, 351(3) and 103(2) of BNS, in Crime No.855 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a dispute between 2 rival gangs. On 25.09.2024, the accused persons murdered the deceased who is the brother of the defacto complainant. There are totally 11 accused persons in this case and the petitioners have been arrayed as A8 and A7.

3. The learned Additional Public Prosecutor submitted that this case is a gang rivalry between 2 groups and that A8 has three previous cases against him and A7 has nine previous cases against him. He further submitted that the case is now posted for committal today and the learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioners.

4. The learned counsel for the petitioners submitted that the petitioners have been falsely roped in this case and the petitioners have suffered incarceration in this case from 30.09.2024. He further submitted that the petitioners will comply with any conditions that may be imposed by this Court.



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

6. Taking into consideration the facts and circumstances of the case and considering the fact that the investigation has been completed in this case and the case is now at the stage of committal and also taking note of the fact that the petitioners have suffered incarceration from 30.09.2024 and also taking note of the previous cases against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their 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, Thanjavur, 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 petitioners shall report before the learned Judicial Magistrate No.I, Thanjavur daily at 10.30 a.m. and report before the respondent police daily at 05.30 p.m. until further orders.



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[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/-
18/12/2024

/ TRUE COPY /

19/12/2024

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

PAL

TO

1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR,.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-15618[I] dated 18/12/2024)

ORDER
IN

CRL OP(MD) No.22316 of 2024
Date :18/12/2024

SS/SAR- /19/12/2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023