



CRL OP(MD). No.22664 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22664 of 2024

1.Gowtham,

2.Daniel Raj,

... Petitioners/ Accused 1 & 2

Vs

The State of Tamilnadu,
Represented by,
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.1256 of 2024)

... Respondent / Complainant

For Petitioners: Mr.S.Poornachandran,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 1256 of 2024 on the file of the respondent Police.



CRL OP(MD). No.22664 of 2024

ORDER: The Court made the following order :-

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The petitioners / Accused 1 & 2, who were arrested and remanded to judicial custody on 22.11.2024 for the alleged offence under Sections 296(b) and 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and Section 25(1B)(a) of Arms Act, 1959, in Crime No.1256 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is a widow who was married to one Raja. It is alleged that the petitioners have murdered the said Raja and a case is pending in this regard. Subsequently, the defacto complainant was also added as an accused in that case. On 15.11.2024, when the defacto complainant was returning home after attending Court hearing and when she was standing in the bus stop, the petitioners came in a two wheeler and abused the defacto complainant in filthy language and also threatened the defacto complainant with dire consequences by stating that she must only take over the expenses incurred towards the said criminal case and she must also give a share in the properties to which the deceased Raja was entitled, failing which, they will do away with the defacto complainant. Seeing the same, the general public informed the police and the petitioners are said to have been fled away from the scene of occurrence.

3. The learned Additional Public Prosecutor submitted that there are 3 previous



CRL OP(MD). No.22664 of 2024

WEB COPY

cases against A1 and 2 previous cases against A2 and both of them have 1 case under Section 302 of IPC. Hence, the learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioners.

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

5. Taking into consideration the facts and circumstances of the case and considering the manner in which this incident had taken place and also taking note of the fact that the petitioners have suffered incarceration from 22.11.2024 and also considering the previous cases against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. 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.II, Madurai, 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 respondent police daily at 10.30 a.m. until further orders.



CRL OP(MD). No.22664 of 2024

WEB COPY
[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/-
20/12/2024

/ TRUE COPY /

20/12/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO
1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



CRL OP(MD). No.22664 of 2024

4 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.22664 of 2024
Date :20/12/2024

SA/SAR. /20.12.2024/5P/6C

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