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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2270 of 2025

1.Vijaya Bharathi
2.Bhuvaneswaran

... Petitioners/ Accused Nos.3 and 5

Vs

The State of Tamil Nadu,
Rep.By the Inspector of Police,
Palanichettypatti Police Station,
Theni.
Crime No.454 of 2024

... Respondent/Complainant

For Petitioners : Mr.K.K.Kannan

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.454 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



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This Criminal Original Petition has been filed by the petitioners on 03.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/ A3 and A5 were arrested and remanded to judicial custody on 04.12.2024 for the alleged offence punishable under Section 194 of Bharatiya Nyaya Sanhita (BNS), 2023 altered to Section 103(1) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.454 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 06.11.2024, the petitioners and seven others attacked the son of the defacto complainant, who had lower intellectual ability and was earning his livelihood by selling used bottles, and murdered him.

4. Mr.K.K.Kannan, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 04.12.2024. He therefore prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the offence committed by the petitioners is grievous in nature. The petitioners have no previous case. Accordingly, he prays to dismiss this Criminal Original Petition.



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6. Heard on both sides. This Court has perused the records.

7. The petitioners were arrested on 04.12.2024 and are still in judicial custody.

The co-accused were granted bail by this Court. The petitioners are first offenders. Investigation is almost complete. The petitioners have permanent residences and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the cumulative circumstance and considering the period of incarceration, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

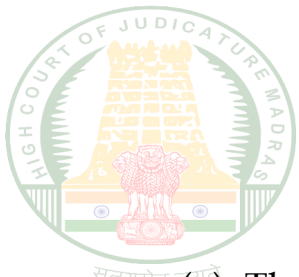
(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate, Theni;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Theni shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number;

(iv) The petitioners shall appear and sign before the respondent-Police on every

Sunday and Saturday at 10.30 a.m. until further orders;



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(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Theni is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

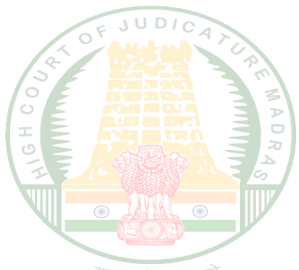
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07/02/2025

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07/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO

1 THE JUDICIAL MAGISTRATE,
THENI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE OFFICER-INCHARGE,
DISTRICT JAIL,
THENI.

4 THE INSPECTOR OF POLICE,
PALANICHETTYPATI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.K.K.KANNAN, Advocate (SR-1469[I] dated 07/02/2025)

ORDER
IN

CRL OP(MD) No.2270 of 2025
Date :07/02/2025

NBF/ (07/02/2025) 5P / 7C

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