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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.2406 of 2025

M.Muthukumar ... Petitioner/Accused No.9

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
Crime No.370 of 2024 ... Respondent/Complainant

For Petitioner : Mr.M.Sathiamoorthy, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.370 of 2024 on the file of the Respondent Police.
ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

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2. The petitioner/A9 was arrested and remanded to judicial custody on 09.12.2024 for the alleged offences punishable under Sections 126(2), 296(b), 109(1), 103(1), 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 altered to Sections 49, 61(2), 249(a) and 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.370 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 03.12.2024, the petitioner and 8 others attacked the defacto complainant and his brother Vellaikannu with Billhook, due to which, Vellaikannu, brother of the defacto complainant died. Hence the case.

4. Mr.M.Sathiamoorthy, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner's name does not find a place in the FIR. He further submits that the petitioner has been in judicial custody since 09.12.2024. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the offences committed by the petitioner are grave in nature. However, no previous case is pending against the petitioner. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 09.12.2024 and has been in judicial custody.

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The petitioner was not present at the scene of occurrence. The petitioner has no previous cases. The petitioner is residing along with his parents. Hence, the petitioner has deep roots in the Society and therefore, there is less possibility of absconding. Considering the cumulative circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi District;

(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 No.III, Thoothukudi District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall stay at Virudhunagar Town and appear and sign before the Virudhunagar Bazaar Police Station daily at 10.00 a.m. and 05.00 p.m. until further orders;

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(v) The petitioner shall not enter into the defacto complainant's house or his workplace;

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

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Thoothukudi District is entitled to pass appropriate orders against the petitioner 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.

sd/-
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 NO.III
THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

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3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO:
THE INSPECTOR OF POLICE,
VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.M.SATHIAMOORTHY, Advocate (SR-1452[I] dated 07/02/2025)

ORDER
IN
CRL OP(MD) No.2406 of 2025
Date :07/02/2025

SA/SAR. /07.02.2025/5P/8C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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