

IN THE COURT OF JUDICIAL MAGISTRATE, GINGEE

Present : Thiru.R.Manoharan, B.A, B.L.,

Judicial Magistrate, Gingee

Thursday this the 01st day of August 2024.

CrI.M.P.No.3840/2024 in Cr.No.180/2024

A1-Karthikeyan @ Karthi (age 49) S/o. Annamalai
-Vs-

.... Accused/Petitioner

State rep by,
The Station House Officer
Sathiyamagalam PS.

.... Complainant/ Respondent.

This petition is coming for hearing before me on this day in the presence of Thiru.P.Srinivasan, M.Com, B.L., Advocate for petitioner and Assistant Public Prosecutor Grade II Thiru. G. Sakthivel, B.A.,B.L., for respondent and this Court made the following :

ORDER

This petition is filed u/s.482 of BNSS, for seeking bail.

1. Prosecution case is that the FIR registered as against the Petitioner/Accused A1 for the alleged offences punishable u/s. 296(b), 126(2), 115(2), 118(1), 351(3) BNS, S.4 of TNPWH Act for the occurrence took place on 28.07.2024 and the petitioner was remanded on 29.07.2024.
2. Since, it is non-bailable offence. Notice sent to Police and APP. Reply received from respondent police.
3. The Learned counsel for the petitioner/Accused has argued that he was totally innocent and no way connected with the commission of offence. Hence, may be enlarged on bail.
4. In the reply, The Respondent police has strongly objected the petition stating that the accused are released on bail may abscond and try to tamper witness and destroy evidence and the same investigation is pending.
5. Now the point for consideration is that whether the present bail application filed by the petitioner has to be allowed ? or not ?
6. Heard both sides. Case records perused. The Respondent side stated that the injured person discharged from hospital. The accused was in judicial custody for past 4 days. On the perusal of the materials this court finds that investigation in this case is partially over. Respondent/police formally objected that the investigation is pending. They have no serious objections. This Court do not find the necessity of continued detention of the petitioner in custody. Therefore, the petitioner can be now released on bail. However, some reasonable conditions for bail are felt necessary in the particular facts and circumstances.

7. In the result, this application for bail is allowed on the following conditions.

- (i) The petitioners will be released on bail on executing a bond with two sureties for Rs.10,000/-(Rupees Ten thousand only) each.
- (ii) The petitioner/accused shall appear and sign before this Respondent police station daily at **10:00 AM for a period of 30 days.**
- (iii) The petitioners/accused shall appear for enquiry before the respondent police as and when required for investigation.
- (iv) The petitioners/accused shall not tamper with evidence or witness either during investigation or trial.
- (v) The petitioners/accused shall not abscond either during investigation or trial.
- (vi) On breach of any of the aforesaid conditions, this 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 this Court himself/herself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala (2005) AIR SCW 5560.
- (vii) If the accused thereafter abscond, a fresh FIR can be registered under section 229-A IPC.

Dictated to the Steno-typist, typed by him in computer, corrected by me and pronounced in open court on this the 01st day of August -2024.

sd/-R.Manoharan

Judicial Magistrate, Gingee.

Copy to:

The SHO,

Sathiyamagalam PS

// True copy//

Judicial Magistrate, Gingee.