



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6430 of 2020

A.Beer Mohamed @ Habeer Mohamed ... Petitioner/Accused No.1
Vs

The State rep. by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District
(Crime No. 267/2019).

... Respondent/Complainant

For Petitioner : M/s.S.Sathya Chidambaram,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

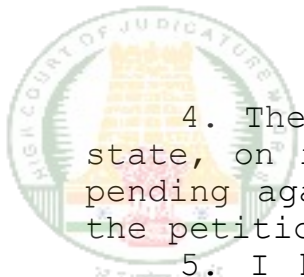
For Bail in Crime No.267 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner, who was arrayed as A1 in Crime No.267 of 2019, on the file of the respondent Police, was arrested and remanded to Judicial Custody on 24.04.2020, initially for the offences under Section 174 of Cr.P.C., which was subsequently altered into Section 302 of IPC, seeks bail.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that there is no specific overt act against the petitioner and that the petitioner is in judicial custody from 23.04.2020.



4. The learned Government Advocate (crl.side) appearing for the state, on instructions, would submit that there is no previous case pending against the petitioner and the investigation in respect of the petitioner is almost completed.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, I am inclined to enlarge the petitioner on bail with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

sd/-
19/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI,
THANJAVUR DISTRICT.

2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRINSON,
TRICHY.

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

ORDER

IN

CRL OP(MD) No.6430 of 2020

Date :19/06/2020

PD/VR/SAR 3/19.06.2020/3P/6C