



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/10/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12059 of 2020

1.Mohamed Azharudeen
2.Ismail Sabeer
3.Nasardeen @ Yasin

... Petitioners/Accused
No.2 to 4

Vs

The State rep.by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.366/2020.

... Respondent/Complainant

For Petitioners : M/s.K.Mathan,
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.366 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A2 to A4 , who were arrested and remanded to judicial custody on 30.09.2020 for the offences punishable under Sections 147, 294(b), 342, 323, 365, 506(ii) of IPC in crime No.366 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to business dispute, the petitioners attacked the defacto complainant with deadly weapon and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and hence, he prayed for granting of bail to the petitioners.



4. The learned Government Advocate(Crl.Side) would submit that the investigation is still pending.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.1, Ramanathapuram.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police daily twice at 10.30 a.m., and 5.00 p.m., until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/10/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO. I
RAMANATHAPURAM

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

4. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12059 of 2020

Date : 28/10/2020

gns

TK/PN/SAR.3/28.10.2020/3P/6C