



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13557 of 2020

1. Kaffarkhan
2. Shariffkhan

... Petitioners/Accused

Vs

The State Rep. by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
Cr.No. 519 of 2020.

... Respondent/Complainant

For Petitioners : Mr.Baskar Mathuram, Advocate
for M/s.Mathuram Law Associates

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.519 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused , who were arrested and remanded to judicial custody on 14.11.2020 for the offences punishable under Sections 294(b), 323,324,506(ii) and 307 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that due to previous enmity the petitioners along with other accused attacked the defacto complainant with knife and caused injuries.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and due to previous enmity a false case has been foisted against the petitioners.



4. The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the injured was discharged from the hospital, 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, No.I Ramanathauram.

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 at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

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/-

27/11/2020

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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.

3. THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

5. THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

+1 CC to M/s.S.BASKAR MATHURAM, Advocate (SR-7711[I] dated
27/11/2020)

ORDER

IN

CRL OP(MD) No.13557 of 2020

Date :27/11/2020

AAV

TE/PN/SAR-III : 27/11/2020 : 3P/7C