



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

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PRESENT

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

CRL OP(MD). No.13723 of 2020

Jahangir Abbas

... Petitioner/8TH Accused

Vs

The State rep.by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.343/2020.

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar,
Advocate.

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

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

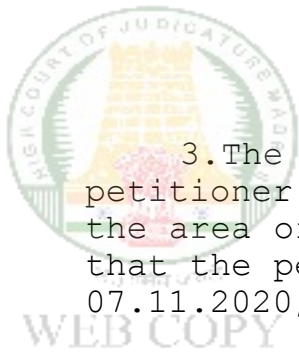
PRAYER :-

For Bail in Crime No.343 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 07.11.2020 for the offences punishable under Sections 147,148,332,353,294(b), 392,307 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on secret information the defacto complainant team visited the accused place and found the accused persons in possession of Sea Cucumber. Further all the accused persons threatened the defacto complainant and also snatched the cell phone which was in possession of one of the police constable and they also attacked the police persons, in which one of the police constable sustained injuries.



3.The learned counsel for the petitioner would submit that the petitioner is a fisherman and the respondent police team searched the area of the fisherman on false information. He would also submit that the petitioner was arrested and remanded to judicial custody on 07.11.2020, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that when the respondent police conducted search they found the accused persons in possession of sea cucumber and also attacked them and also snatched cell phone of one of the constable who video graphed the entire occurrence and also attacked him. He would also submit that some of the accused persons are still absconding and yet to be secured.

5. It is seen that there are totally 14 accused in this case and the petitioner herein is arrayed as A8. On raid conducted by the respondent police the accused persons threatened the police officials and also snatched the cell phone and also attacked one of the police constable.

6. 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 petitioner subject to the following 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rameswaram, Ramanathapuram District.

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 petitioner 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 petitioner shall not tamper with evidence or witness.

iv) the petitioner 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 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].



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

sd/-
01/12/2020

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WEB 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,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13723 of 2020
Date :01/12/2020

AAV
TK/PN/SAR.2/01.12.2020/3P/6C