



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18918 of 2021

1. Dheenhanish ... Petitioners
2. Mohamed Vahith
3. Akbar Batsha
4. Mafruk Mohamed

Vs.

The Inspector of Police, ... Respondent
Mannargudi Town Police Station,
Tiruvarur District.
(Crime No.1351 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.1351 of 2021 on the file of the respondent police.

For Petitioners : Mr.N.Palanivel

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.08.2021 for the offences under Sections 294(b), 324, 307 and 302 of IPC, in Crime No.1351 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the deceased, as a result of which, the petitioners had attacked the deceased, due to which, the deceased died. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He further submitted that there is no intention to commit the murder of deceased. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioners. He further submitted that the petitioners 2 to 4



were working in abroad, if they were enlarged on bail, there is no progress in the trial. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Mannargudi, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 to 4 are directed to surrender the passport before the law enforcing agency.

© the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

26/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MANNARGUDI TOWN POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary
charges SR.NO.11753

CRL OP.18918/2021

Date :26/10/2021

TA-27/10/2021