



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.316 of 2021

Jafar Shathik

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.
Crime No. 1977 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1977 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.11.2020 for the offences punishable under Section 302 and 109 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the brother of the defacto complainant regarding running a mutton stall, A1 attacked the deceased with wooden log and A2 instigated A1 to kill the brother of the defacto complainant. Due to which, the petitioner assaulted the brother of the defacto complainant on chest with his hand, in which he fell down and immediately he was taken to hospital, where he was declared dead.

3.The learned counsel for the petitioner would submit that the occurrence is said to have taken place on 15.11.2020 at 05.30 p.m., and the deceased was taken to the hospital at 08.57 p.m. On the



occurrence date, the petitioner attacked the deceased only with hands and even as per the allegation made in the First Information Report, the petitioner assaulted the deceased only used his hands and legs. He would further submit that the petitioner is in custody from 16.11.2020 onwards.

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4.The learned Government Advocate(Crl.Side) would submit the petitioner's earlier bail application was dismissed on 30.12.2020 in Crl.O.P.(MD)No.16058 of 2020. He would further submit that the investigation is going on and hence, he opposed to grant bail to the petitioner.

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 substantial portion of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 Court, Periyakulam.

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 until further orders.

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/-

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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.

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TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
PERIYAKULAM, THENI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.316 of 2021
Date :21/01/2021

sjj
JM/PN/SAR III/21.01.2021/3P/6C