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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.587 of 2021

Asar @ Mohammed Asartheen

... Petitioner/Accused No.10

Vs

State Rep. by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Crime No. 549/2020.

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C,
Advocate.

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. 549/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested and remanded to judicial custody on 04.11.2020 for the offences punishable under Sections 147, 148, 294(b), 302, 307, 323, 324, 506(ii) of IPC @ 147, 148, 294 (b), 302, 307, 323, 324, 342 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to some dispute between two groups on the date of occurrence all the accused persons unlawfully assembled together with deadly weapons, attacked the deceased and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner only caught hold of



as against the petitioner. He would also submit that the investigation is almost over and the petitioner is in jail for the past 78 days, hence he may be granted bail.

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

5.Reading of the First Information Report shows that the specific allegation against the petitioner is that he caught hold the deceased, while the other accused assaulted him.

6.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 No.II, 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 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.587 of 2021
Date :21/01/2021

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