



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7836 of 2021

Mohamed Jeeфри

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.151/2021)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

PRAYER :- for bail in crime no.151 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 29.04.2021 for the offence punishable under Section 302 of IPC in Crime No.151 of 2021 on the file of the respondent police, seeks bail.

2. The defacto complainant gave complaint in this case on seeing the dead body with injuries at about 09.30 pm., on 28.04.2021. During investigation the petitioner said to have been added as accused based on the confession given by him. It is seen from the confession statement of the accused that on 28.04.2021 when he was waiting to threaten some one for getting money for consuming alcohol, he noticed one person aged about 45 years near Kaja Sarbath Stall purchasing cigarette and he had money and he was under the influence of alcohol. After the shop was closed at about 9.00 hrs that person was sleeping there and the petitioner herein tried to take money from his pocket, but that person caught hold the petitioner. Fearing that if he leave him alive, he will inform about him to the police, he stabbed him repeatedly on his chest and caused his death. Therefore, this case came to be registered.

in Cr.M.P.

4. The learned Public Prosecutor appearing for the State opposes this petition on the ground that the investigation is pending. He further submitted that 15 previous cases are pending against him.

5. A perusal of the list of previous cases shows that the most of the cases have been registered for the offences under Section 506 (ii) I.P.C., coupled with other IPC offences. Obviously there is no case registered either for the offence under Section 307 I.P.c., or 302 I.P.C. Except the confessional statement of the accused, on the basis of which, the petitioner is presently implicated, there is no material produced before this Court to lend assurance to the confessional statement of the accused. The petitioner is in custody from 29.04.2021. He suffered injuries very badly in both his legs. He requires further treatment at Government Rajaji Hospital or the hospital of his choice. In this view of the matter and the fact that the substantial part of the investigation in this case should have been completed by this time, this Court is inclined to grant bail to the petitioner with certain 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District and on further condition that:

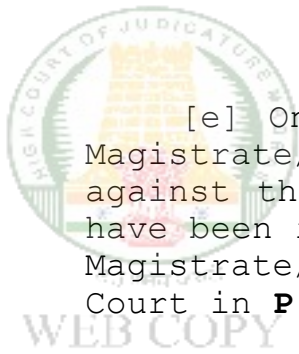
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness

either during investigation or trial.



[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2021

/ TRUE COPY /

/ /2021
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, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON HOSPITAL,
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7836 of 2021
Date :17/06/2021

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