



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14248 of 2021

M.Mohamed Rafiq

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Fort Police Station,
Trichy City.

In Crime No.938 of 2021.

...Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu, Advocate.

For Respondent : Mr.A.Thiruvadikumar

Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.938 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested on 04.09.2021 for the offence under Sections 294(b), 324, 307 and 506(ii) I.P.C, in Crime.No.938 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant gave a complaint stating that his brother-in-law namely Sowkath Ali, had illegal affair with another lady. Therefore, on 04.09.2021, the petitioner along with the said Sowkath Ali assaulted the defacto complainant with knife and caused injury.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 04.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured has been discharged from the hospital. He would further submit that the investigation is

<https://hccerestecourts.gov.in/home.php>



5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the fact that the injured was discharged from the hospital and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tiruchirappalli and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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 229-A IPC.

sd/-
23/09/2021

/ 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 COURT NO.I,
TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE
FORT POLICE STATION, TRICHY CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14248 of 2021

Date :23/09/2021

MSA

MK/PN/SAR.I/23.09.2021/3P/6C