



Crl.O.P.No.18243 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.18243 of 2022

Mohamed Shadiq Ibrahim

...Petitioner

Vs.

The State rep by
The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
Crime No.204 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in respect of Crime No.204 of
2022 (on the file of F-3, Nungambakkam Police Station) Chennai.

For Petitioner : Mr.S.Lokesh

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2022 for the offences under Sections **174(3) of Cr.P.C @ 306 of IPC** in crime No.204 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner and the defacto complainant are husband and wife. It is alleged that petitioner's family harassed the defacto complainant by demanding more dowry, due to which, the deceased jumped from the open terrace and died. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. That apart, the petitioner were arrested and remanded to judicial custody on 03.07.2022. Hence, he prays for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor submits that initially the case was registered under Section 174(3) Cr.P.C and subsequently, the section was altered into Section 306 of IPC. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 03.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner are ordered to be released on bail on their 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 **XIV Metropolitan Magistrate, Egmore, Chennai** and on further conditions 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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter as and when required for interrogation;

[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.

04.08.2022

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To:

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1. XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
3. Central Prison,
Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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