



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD).No.342 of 2022

Mohamed Siddiq

... Petitioner/Accused No.2

Vs

The State represented by,
The Inspector of Police,
CBCID (SID Wing),
Tirunelveli.
(Crime No.03 of 2021)

... Respondent/Complainant

For Petitioner : Mr.AAYIRAM K.SELVAKUMAR, Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.03 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

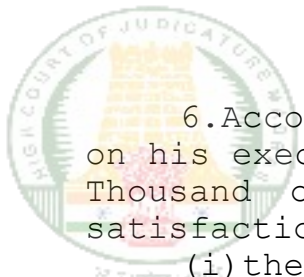
The petitioner/A.2, who was arrested and remanded to judicial custody on 26.11.2021 for the offences punishable under Sections 147, 148, 149, 294(b), 323, 324, 342, 365, 302 and 506(2) IPC, in Crime No.03 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there existed business dispute, the petitioner and other accused attacked the defacto complainant's husband one Haneesh Mohammed and caused death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is not an investor in the firm owned by the deceased and he is in no way connected with the alleged occurrence.

4.The learned Additional Public Prosecutor would submit that there are 9 accused in the above case and the some of the accused were arrested and released on bail and two persons are yet to be secured.

5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 26.11.2021, that the accused Nos.1, 3, 4, 6 and 8 were already released on bail and that the investigation is almost completed except securing the two other accused, 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.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, Tirunelveli.

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/02/2022

/ TRUE COPY /

14/02/2022

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, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
CBCID (SID WING), TIRUNELVELI.

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

ORDER IN

CRL OP(MD) No.342 of 2022

Date : 14/02/2022

SA/VR/SAR.4/14.02.2022/2P/6C

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