



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

Date : 09/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4293 of 2022

Mohamed Saleem

... Petitioner/Accused
(Rank Not Known)

Vs

The State Rep. By,
The Inspector of Police,
Sethubavachatram Police Station,
Thanjavur District
(Crime No. 579 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T.,
Advocate.

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

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

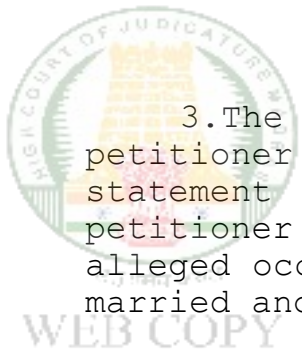
PRAYER :-

For Bail in Crime No.579 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.12.2021 for the offences punishable under Section 174 of Cr.P.C and 201 IPC @ Sections 201 and 302 of IPC, in Crime No.579 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.12.2021, one Thangamuthu, Village Administrative Officer lodged a complaint alleging that on 16.12.2021, a five months female baby was found dead in the fish tank of A1, A2 and to that effect, a case was registered under Section 174 of Cr.P.C. and 201 IPC and on investigation, it came to light that the petitioner herein is a witch-crafter had advised A1 and A2, who are the parents of the child to sacrifice the child to get recover from ghost attack ailment. Based on the confession statement alleged to have taken from A1, the petitioner was implicated in this case.



3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession statement alleged to have taken from the co-accused, that the petitioner is not an witch-crafter and has nothing to do with the alleged occurrence. He would further submit that the petitioner got married and blessed with two female children.

4.The learned Additional Public Prosecutor would submit that the investigation is almost completed and that the petitioner is not having any bad antecedents.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 17.12.2021 and also the facts that the petitioner is not having any previous case for similar or serious offence, 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, Pattukottai.

(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/-
09/03/2022

/ TRUE COPY /

09/03/2022
Sub-Assistant Registrar (C.S-I)
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,
PATTUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, THANJAVUR.
4. THE INSPECTOR OF POLICE,
SETHUBAVACHATRAM POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4293 of 2022
Date :09/03/2022

USK/VR/SAR-I/09.03.2022/3P/6C