



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.4526 of 2022

Mohamed Yasar

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.
(Crime No.334/2016).

... Respondent/Complainant

For Petitioner : Mr.B.Anandan,
Advocate.

For Respondent : Mr.Ss.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.334 of 2016 on the file of the Respondent Police.

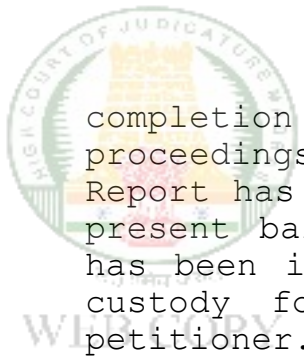
ORDER : The Court made the following order :-

The petitioner/Accused No.4 herein, who was arrested on 02.08.2021 for the alleged offence under Sections 120(B), 147, 148, 341, 342, 302 and 149 of IPC, in Crime No.334 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, on 17.07.2016, when the deceased was coming in a motorcycle to pickup the defacto complainant, the petitioner along with other accused said to have waylaid the deceased and also attacked him with stones. Hence, the present complaint came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that this is the third bail application. The earlier bail application was dismissed by this Court on 14.02.2022 in Crl.OP(MD)No.809 of 2022

<https://hcservices.ecourts.gov.in/hcservices/> the petitioner to approach this Court after



completion of committal proceedings. At present, the committal proceedings is completed on 28.02.2022. The Web-copy of the Status Report has been produced in the typed set of papers along with this present bail application. This is the change of circumstance. NBW has been issued against the petitioner on 28.11.2019 and he is in custody for the past 4 months. Hence, he seeks bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that this is the third bail application. After committing case of murder, the petitioner went abroad. Thereafter, came to India. Again involved in the offence under Section 307 IPC and again went to abroad. Because of his frequent visit to the abroad, warrant was issued against him and the same was executed and he was remanded to custody. Ever since, he is in custody. His application was dismissed on the ground that if he is released on bail, again there is a possibility of going abroad. Now, committal process is also over and trial is going to be commenced.

5.The learned counsel for the petitioner would submit that the petitioner is ready to surrender his passport before the concerned Committal Court.

6.It is seen that committal process is also over and trial is going to be commenced. So, considering this change of circumstance, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Pattukkottai, and on further condition that the petitioner shall report before the **Committal Court daily at 10.30 a.m. until further orders.**

8.The petitioner shall not leave the country without getting permission from the Committal Court.

sd/-

18/03/2022

/ TRUE COPY /

18/03/2022

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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE
PATTUKKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI..

4 THE INSPECTOR OF POLICE
PATTUKKOTTAI POLICE STATION, THANJAVUR DISTRICT.

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

+1 CC to Mr.B.ANANDAN, Advocate (SR-2217[I] dated 18/03/2022)

ORDER

IN

CRL OP(MD) No.4526 of 2022

Date :18/03/2022

DSS

MK/VR/SAR.I/18.03.2022/3P/7C