



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06.07.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.12198 of 2022

1. Jafar Sathik
2. Thameem Ansari

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
(In Crime No.1015/2021).

... Respondent/Complainant

For Petitioner : M/s.MOHAMED RIYAZ.A,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

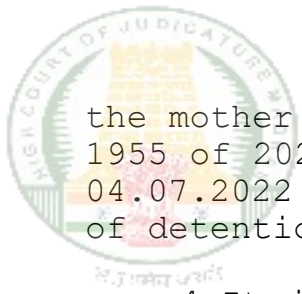
PRAYER :- To enlarge the petitioners on bail in P.R.C.No.8 of 2022 in Crime NO.1015 of 2021 on the file of the learned Judicial Magistrate No.III, Dindigul.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who are facing a case for the offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) IPC in P.R.C.No.8 of 2022 on the file of the learned Judicial Magistrate No.III, Dindigul in Crime No. 1015 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.11.2021 at about 12.45 p.m., in front of Tha.Mu.Mu.Ka party office situated at Begambur Jamal Street, the accused unlawfully assembled with deadly weapons, quarrelled with the de-facto complainant, his father and one Rafeeq Raja with intent to cause death, A1 attacked the de-facto complainant's father with knife and caused injury on his hand, A2 and A5 had also attacked the de-facto complainant and Rafeeq Raja with wooden logs and caused injuries and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners were detained in D.O.Nos.114 and 115 of 2021, dated 24.11.2021, that subsequently, the wife of the first petitioner and



the mother of the second petitioner have filed H.C.P(MD)Nos 1955 of 2021 and the Division Bench of this Court, vide order, dated 04.07.2022 has allowed the petition and thereby, set aside the order of detention, dated 24.11.2021.

4.It is not in dispute that the charge sheet has already been filed and the case is now pending in P.R.C.No.8 of 2022 on the file of the learned Judicial Magistrate No.III, Dindigul.

5.The learned Additional Public Prosecutor would submit that the petitioners are having two previous cases for the offence under Section 307 IPC.

6.The learned counsel for the petitioners would submit that both the matters, the parties have entered into compromise.

7.Considering the above facts and circumstances and also the facts that the petitioners are in judicial custody from 06.11.2021, that the detention order was already set aside by this Court and that some of the co-accused were already arrested and released on bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Dindigul.

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 petitioners shall report before the Committal Court on all working days at 10.30 a.m until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

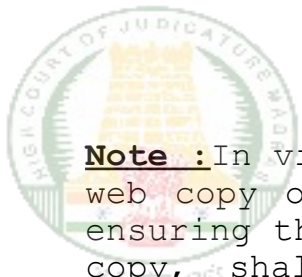
sd/-

06/07/2022

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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.III
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12198 of 2022

Date :06/07/2022

SA/PN/SAR.4/06.07.2022/3P/6C