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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18791 of 2022

Ashik Mohamed @ A1 Ashik

... Petitioner/4th Accused

Vs

State Rep.by
The Inspector of Police,
Taluk Police Station,
Dindigul.
(Crime No.1051 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rahseed D.S.,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in S.C.No.78 of 2022 on the file of the learned Additional District and Sessions Court, Dindigul in Crime No.1051 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing a charge for the offence under Sections 294(b) and 307 IPC @ 294(b) and 302 IPC @ 120(b), 294(b) and 302 IPC r/w 34 and 109 IPC in S.C.No.78 of 2022 on the file of the learned Additional District and Sessions Court, Dindigul in crime No.1051 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the accused who is the friend of Latheef Moulana conspired together with an intention to murder the deceased. Hence, on 16.09.2021 at about 01.15 p.m., near Kuttiyapatti Road, Green City Plot, the accused abused the deceased in filthy language, attacked him with knife and caused death. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that that the petitioner is in judicial from 20.09.2021 and hence, he may be released on bail.

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4.The learned Additional Public Prosecutor strongly opposed this petition stating that this is the second bail application and the earlier application was dismissed by this Court dated 06.10.2022 in Crl.O.P.(MD)No.17836 of 2022. The petitioner is having 41 previous cases, out of which, 11 cases were already disposed of. The investigation has been completed and the charge sheet has already been filed and the same was taken on file in S.C.No.78 of 2022 before the learned Additional District and Sessions Court, Dindigul.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the case was taken on file as S.C.No.78 of 2022 before the learned Additional District and Sessions Court, Dindigul, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a 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 No.I, 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 petitioner shall report before the trial Court on all hearing dates without fail;

(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].

sd/-

20/10/2022

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20/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

2 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.

3 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

4 THE OFFICER INCHARGE, CENTRAL JAIL, MADURAI.

5 THE INSPECTOR OF POLICE, TALUK POLICE STATION, DINDIGUL.

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

+1 CC to M/s.D.S.HAROON RAHSEED, Advocate (SR-11840[I] dated
20/10/2022)

ORDER

IN

CRL OP(MD) No.18791 of 2022

Date :20/10/2022

SJI

RS/VR/SAR.(20.10.2022) 3P-8C