



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

Date : 01/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21247 of 2022

Nisthar Ahamed @ Nisthar

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
(Crime No.268 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Mohamed Riyaz A,
Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

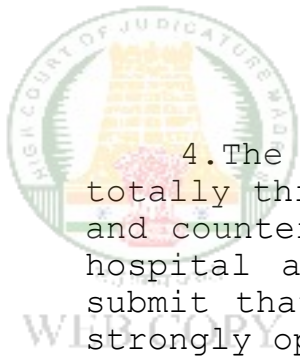
For Bail in Crime No.268 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 15.11.2022 for the offences punishable under Sections 294(b), 307, 324, 341, 506(ii) IPC, in crime No.268 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to property dispute the petitioner has attacked the defacto complainant with knife and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He further submitted that the petitioner is in judicial custody from 15.11.2022 and seeks bail.



4.The learned Additional Public Prosecutor would submit that totally three accused involved in this case and it is a case of case and counter. He would further submit that the injured was from the hospital and six witnesses have been examined. He would further submit that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel appearing on either side and also considering the fact that the injured was discharged from the hospital and that it is a case of case and counter and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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.III, Dindigul and on further condition that;

(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 appear 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/12/2022

/ TRUE COPY /

01/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, DINDIGUL.
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.21247 of 2022
Date :01/12/2022

trp
USK/SSS/SAR-III/01.12.2022/3P/6C