



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21411 of 2022

Haja Sherif

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch, Thanjavur.
(Crime No.25/2022).

... Respondent/Complainant

For Petitioner : Mr.Anandan B., Advocate

For Intervener : Mr.S.M.A.Jinnah, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.25/2022 on the file of the Respondent Police.

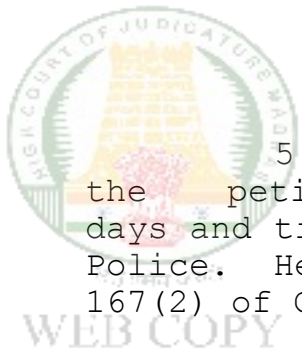
ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 26.09.2022 for the offence punishable under Sections 408, 420, 477-A of I.P.C in Crime No. 25 of 2022, on the file of the respondent police, seeks bail.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that though there are other grounds on merit, the petitioner is in custody from 26.09.2022 and till now, charge sheet has not filed by the prosecution. Therefore, he is entitled for statutory bail, under Section 167(2) Cr.P.C.

3.The learned Additional Public Prosecutor would submit that the petitioner is in custody from 26.09.2022 and as on date, charge sheet is not filed by the prosecution.

4.The learned counsel for the intervener would object the grant of bail to the petitioner.



5. Heard both sides. Perusal of materials it is seen that the petitioner is in custody from 26.09.2022, ie., more than 60 days and till now, charge sheet has not been filed by the respondent Police. Hence, the petitioner is entitled for statutory bail, under 167(2) of Cr.P.C., on the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Pattukottai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of one week and thereafter, as and when required by the respondent Police;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/12/2022

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07/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR.

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

+1. CC to M/S.ANANDAN B Advocate SR.No.14504

ORDER

IN

CRL OP(MD) No.21411 of 2022

Date :07/12/2022

PNM

SA/VR/SAR. /07.12.2022/3P/7C