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Crl.O.P.No.14589 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14589 of 2023

Mansoor @ Mansoor Ali Khan

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
(Crime No.214 of 2020)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending trial in S.C.No.173 of 2023 before the Principal District Court, Tiruppur.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



Crl.O.P.No.14589 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023 for the offences punishable under Sections 302 r/w 294(b) and 201 IPC pending in S.C.No.173 of 2023 on the file of Principal District Court, Tiruppur in Crime No.214 of 2020, seeks bail.

2. The learned counsel for the petitioner submitted that, when the case was pending before the learned Judicial Magistrate II, Tiruppur in PRC.No.42 of 2020, Non Bailable Warrant was issued against the petitioner on 09.01.2023 and then executed on 14.02.2023. Thereafter, the case was committed to Sessions Court and now case it is pending in S.C.No.173 of 2023 on the file of Principal District Court, Tiruppur. Petitioner is in Judicial Custody from 14.02.2023. Hence, he prays for grant of bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioner has two previous cases pending against him. Therefore, he prays for dismissal of bail to the petitioner.



WEB COPY



Crl.O.P.No.14589 of 2023

4. Considering the fact that, Non-Bailable Warrant was issued against the petitioner and subsequently petitioner was remanded to Judicial Custody on 14.02.2023 and the case is now pending for trial in S.C.No.173 of 2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **Principal District Court, Tiruppur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the Principal District Court, Tiruppur, once in a week i.e., on every Monday at 10.30 a.m. until further orders and on every hearing dates without fail.

[c] the petitioner shall not abscond either during investigation or trial.



Crl.O.P.No.14589 of 2023

WEB COPY

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.07.2023

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Crl.O.P.No.14589 of 2023

WEB COPY

To

- 1.The Principal District Court, Tiruppur
- 2.The Central Prison,
Tiruppur.
- 3.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.O.P.No.14589 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.14589 of 2023

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