



Crl.O.P.No.17029 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.O.P.No.17029 of 2023

Sabeel Ahamed

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Ambur Town Police Station,
Thirupathur District.
(Crime No.239 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in connection with Crime No.239 of 2023 on the file of respondent herein.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.06.2023 for the offence punishable under Sections 341, 302 IPC in Crime No.239 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.239 of 2023 for the offences punishable under Sections 341, 302 IPC. Petitioner is innocent. It is his further submission that, in a scuffle between the deceased namely Allabagash and the accused, deceased fell down and sustained injuries. Petitioner is not responsible for the death of the deceased. Petitioner is in judicial custody from 08.06.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, the deceased Allabagash came home on 08.06.2023 at 00.30 hours with injury on his chin. The blood was oozing out from the injury. The defacto complainant asked him, as to what had happened, to which the deceased responded saying that, at about 11.15 p.m., when he was



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coming near 8th street, Aishabi Nagar, Shiek Ismail and Shabil Ahamed had beaten him, claiming that, why he was there at that time of the hour. They both had beaten him on his face, nose, chest and head. Shabil Ahamed hit him from behind. As a result, he suffered injuries. Defacto complainant admitted the deceased in the hospital, but he died. Thus, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. In the light of the facts obtained from the first information report, it is seen that, there was a scuffle between the deceased and the accused. The accused had beaten the deceased, only with hands and legs, however, deceased suffered fatal injuries and died.

6. Considering the above facts and that petitioner is in judicial custody from 08.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty



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Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Additional District Munsif cum Judicial Magistrate, Ambur** 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 report before the respondent police daily morning at 10.30 a.m., until further orders.

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

[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].



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

16.08.2023

gd/gvn

To

- 1.The Additional District Munsif cum Judicial Magistrate,
Ambur.
- 2.The Inspector of Police,
Ambur Town Police Station,
Thirupathur District.
- 3.Central Jail,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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