



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4438 of 2023

1. Hakmuddin

2. Shekul

3. Irfan

4. Zubair

5. Nasir

... Petitioners/Accused Nos. Not known

Vs

The Inspector of Police,
Koodalpudur Police Station,
Madurai City.
(Crime No.46/2023).

... Respondent/Complainant

For Petitioners : M/S.MALAI RAJA.J, Advocate
for M/s.Spicy Law Firm,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.46/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /accused who were arrested and remanded to judicial custody on 22.01.2023 for the offences under sections 332,336,353 and 307 of IPC in Crime No.46 of 2023 on the file of the respondent police seeks bail.

<https://www.hc.madras.gov.in/>



2. The case of the prosecution is that the petitioners along with other accused committed theft of cattle in a TATA 407 van bearing Reg. No. RJ 14 GJ1915, hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that due to quarrel with the police officer a false case has been registered.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are from North India and they are habitual offenders involving in theft of cattle and they have three previous cases. He would further submit that there are CCTV footage available to show that the petitioners involved in the offence. He would further submit that the investigation is in preliminary stage and if the accused persons are released on bail, there is every possibility of absconding again, hence he objected to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the nature of offence committed by the petitioners and also the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (of which one shall be the blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai and on further conditions that:

[b] 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.

[c] the petitioners shall report before the respondent police for daily at 0.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness with the prosecution 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/03/2023

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08/03/2023

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

AAV

TO

1.THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.SPICY LAW FIRM, Advocate (SR-3711[I] dated
08/03/2023)

ORDER

IN

CRL OP(MD) No.4438 of 2023

Date :08/03/2023

RK/MMS/SAR-(08/03/2023) 3P/7C