



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

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PRESENT

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

CRL OP(MD) . No.4875 of 2023

Mohamed Saleem @ Saleem,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Mathichiyam Police Station,
Madurai District.
Crime No. 111/2023.

... Respondent/Complainant

For Petitioner : M/s.Navaneetharaja K, Advocate.

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. 111 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 09.02.2023 for the offences under sections 294 (b), 436, 506(ii) of IPC and sections 3 and 4 (a) of Explosive Substances Act, 1908 in Crime No.111 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant is a labour in a mobile shop. On 09.02.2023 the petitioner came to mobile shop in a drunken mood and forced the defacto complainant to play the song loudly in the speaker. When the defacto complainant refused to do so the petitioner scoled him in filthy language and on the same day at about 04.45 pm., the petitioner came with a petrol filled bottle and thrown the same on the mobile shop which caused damage to the flex board worth about Rs.2,000/- hence the



3. Heard both sides and perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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 petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30P.M., for a period of four weeks and thereafter as and when required for interrogation

[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.

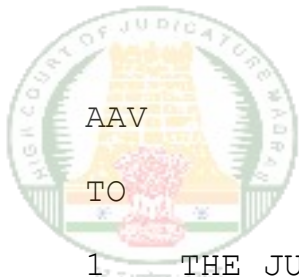
[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/03/2023

/ TRUE COPY /

15/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NAVANEETHARAJA K, Advocate (SR-4307[I] dated 15/03/2023

ORDER
IN
CRL OP(MD) No.4875 of 2023
Date :15/03/2023

PKP/MMS/SAR- /15.03.2023/ **3P/7C**