



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.06.2023
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.10353 of 2023

Shajahan Mohamed @ Shajahan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Ayyampaettai Police Station,
Thanjavur District.
(Crime No.187 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.R.MURUGESAN, Advocate

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

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

PRAYER :- For Bail in Crime No.187 of 2023 on the file of the Respondent Police.

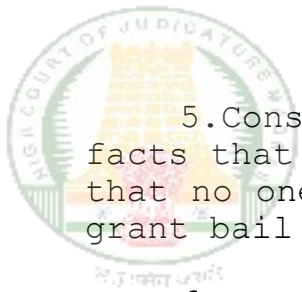
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 27.05.2023 for the offences punishable under Sections 294(b) and 506(ii) IPC and Section 25(1A) of the Arms Act in Crime No.187 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner made life threat with aruval. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner is having four previous cases, in which, 2 cases were already disposed of. Remaining two cases were registered for the offence under Section 435 IPC and 436 IPC respectively.



5. Considering the above facts and circumstances and the facts that the petitioner is in judicial custody from 27.05.2023 and that no one was injured in the incident, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 learned Judicial Magistrate No.III, Thanjavur.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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]**.

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

sd/-

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

GNS

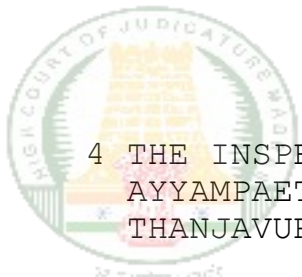
TO

1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.

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

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR.

<https://www.mhcoj.in/cds>



4 THE INSPECTOR OF POLICE,
AYYAMPAETTAI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10353 of 2023

Date :13/06/2023

SA/SSS/SAR. /13.06.2023/3P/6C