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CRL OP(MD).A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11861 of 2023

Abubakkar Siddiq, ... Petitioner/Accused No.7

Vs

State Rep.by
The Inspector of Police,
B1, Vilakuthoon Police Station,
Madurai District.
(Crime No.191 of 2014)..

... Respondent/Complainant

For Petitioner : M/s.Lajapathi Roy, Senior Counsel
for M/s. Lajapathi Roy and Associates,

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

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

PRAYER :-

To enlarge the petitioner on Bail in S.C.No. 301 of 2023 on the file of the Learned Principal District and Sessions Judge, Madurai, in Crime No. 191 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody is facing trial for the offences punishable under Sections 147, 148, 212 and 302 of IPC r/w Section 149 of IPC in S.C.No.301 of 2023 on the file of the learned Principal District and Sessions Judge, Madurai in Crime No.191 of 2014 on the file of the respondent police, seeks bail.

<https://www.mca21.com>



2. The case of the prosecution is that due to previous enmity in the matrimonial discord between the de-facto complainant's son's friend Shaik Thambi and Praveen, on 10.03.2014, the accused persons were said to have murdered the de-facto complainant's son. Hence, the case.

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

4. It is seen that co-accused in this case was tried separately and they were acquitted from all the charges. Taking into consideration 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 sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, 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 trial Court on all hearing dates at 10.30 A.M. until further orders

[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.



5. The trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

sd/-
30/06/2023

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30/06/2023

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

AAV

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
- 2 THE INSPECTOR OF POLICE
B1, VILAKUTHOON POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.LAJAPATHI ROY &ASSOCIATES, Advocate (SR-9867[I] dated 30/06/2023)

ORDER
IN
CRL OP(MD) No.11861 of 2023
Date :30/06/2023

PKP/ /SAR- /30.06.2023/ **3P/8C**