



CRL OP(MD)No.23636 of 2023

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

Date : 28.12.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD)No.23636 of 2023

Faisal Rahman @ Faisal

... Petitioner / Sole Accused

Vs

State represented by
The Inspector of Police,
Ramje Nagar Police Station,
Trichy.
(Crime No.235 of 2023)

... Respondent / Complainant

For Petitioner : Mr.S.M.A.Jinnah, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

PRAYER :- The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of bail to the petitioner in Crime No.235 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



CRL OP(MD)No.23636 of 2023

WEB COPY

2. The petitioner/sole accused was arrested and remanded to judicial custody on 01.12.2023 for the alleged offences punishable under Sections 294(b) and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) r/w Section 27(1) of the Arms Act, 1959(Act No.54 of 1959) in Crime No.235 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner had developed some grudge with the Police with regard to the encounter death of one Komban @ Jegan. Due to the said grudge, on 01.12.2023, when the Police came in Jeep, the petitioner herein abused them in filthy language and also tried to attack them with a sword. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 01.12.2023. Further submitted that petitioner is a driver by profession and he is the sole breadwinner of the family. Hence, he prayed to grant bail to the petitioner.

5.The learned Government Advocate (Criminal side) appearing for the respondent-police submitted that the petitioner abused the police in filthy language and also tried to attack them with sword. He further submitted that the petitioner has no previous case; that investigation is not yet completed; and that at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto



CRL OP(MD)No.23636 of 2023

complainant and witnesses. Accordingly, he prayed to dismiss this Criminal

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Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner is a first offender and he has no previous case. He has permanent residence and deep roots in society. Hence, there is no possibility for absconding. Considering the above reasons, the period of incarceration and with a view to give him an opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only), and furnish two sureties, in which one surety shall be a blood relative, each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Trichy;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the Judicial Magistrate



CRL OP(MD)No.23636 of 2023

No.1, Cuddalore on all working days twice, i.e., at 10.00 a.m., and 05.00 p.m.,
until further orders;

(iv) The petitioner shall not enter into Trichy District until further orders.

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.1, Cuddalore or the trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

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29/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



CRL OP(MD)No.23636 of 2023

To

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1.The Judicial Magistrate No.III,
Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Judicial Magistrate No.I,
Cuddalore.

4.Do through the Chief Judicial Magistrate,
Cuddalore District.

5.The Inspector of Police,
Ramje Nagar Police Station,
Trichy.

6.The Superintendent,
Central Prison,
Trichy.

7.The Additional Public Prosecutor
Madurai Bench of Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-18391[I] dated 28/12/2023)

ORDER
IN

CRL OP(MD) No.23636 of 2023

Date :28/12/2023

ED/ /SAR- (29/12/2023) 5P / 9C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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