



Crl.O.P.No.538 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.538 of 2024

Musthafa @ Muhammad Jigath Mustafa

...Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
Kannankurichi Police Station,

(Crime No.652 of 2009)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.491 of 2016 on the file of the III Additional District and Sessions Judge, Salem, on such terms and conditions.

For Petitioner : Mr.S.Sengkodi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 in S.C.No.491 of 2016, now pending before the III Additional District and Sessions Judge, Salem, seeks bail. Originally, Crime No.652 of 2009 had been registered under Sections 120-B, 364(A), 377, 307 r/w 120-B of IPC. The petitioner had been remanded to custody on 14.07.2023.

2.It is stated that a Non-bailable warrant had been issued on 02.08.2021 and the petitioner had been arrested in yet another case and later remanded under PT warrant.

3.It is stated that there are previous cases against the petitioner herein. But in order to provide an opportunity to the petitioner to face trial, I am inclined to grant bail to the petitioner herein subject to the following conditions:

4.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 (one surety must be a fresh surety and another surety must be blood relative of the petitioner), each for a like sum to the satisfaction of the III Additional District and Sessions Judge,



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Salem, and on further conditions that: -

[a] 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.

[b] the petitioner shall appear before the III Additional District and Sessions Judge, Salem, everyday at 10.30 a.m., till completion of trial in S.C.No.491 of 2016, apart from the Court hearing dates.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

30.01.2023

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C.V.KARTHIKEYAN. J.

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To

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1. The III Additional District and Sessions Judge, Salem.
2. The Superintendent, Central Prison, Salem.
3. The Inspector of Police,
Kannankurichi Police Station,
4. The Public Prosecutor,
High Court of Madras.

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