



Crl.O.P.No.20845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20845 of 2024

Mohamed Sabi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
(Crime No. 393 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 393 of 2023 on the
file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 16.02.2024, for the alleged offence punishable under Sections 294(b), 448,
342, 307 & 109 IPC, in Crime No.393 of 2023, on the file of the respondent



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police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, there was a money dispute in running a brothel, for which, the petitioner along with other accused persons assaulted the defacto complainant with a knife, causing injuries to him. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would also submit that the detention order of the petitioner has been revoked by the Advisory Board. He would further submit that the petitioner was arrested and is in judicial custody for more than 250 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally seven accused in this case and the petitioner herein is arrayed as A1. He further submitted that there is a



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dispute in respect of running a brothel home, between the defacto complainant and the petitioner, on the date of alleged occurrence, the petitioner assaulted the defacto complainant with a knife, causing injuries. Later, the injured has been discharged from the hospital. He further submitted that the investigation was completed and the charged has also been filed and case is pending in SC.No.109 of 2024. However, he opposed to grant bail to the petitioner.

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

6. Considering the submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and taking note of the fact that the injured has been discharged from the hospital, and the detention order was being revoked, and investigation was completed and the charge sheet has also been filed and case has been committed to Sessions Court, and also considering all others



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factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Palladam, and on further conditions that:-

[a] the petitioner shall report before the Judicial Magistrate, Palladam, at 10.30 a.m., on the first working day of every English Calendar month, without fail.

[b] the petitioner shall not commit any offences of similar nature.

[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 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



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Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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drl

To

- 1.The Judicial Magistrate, Palladam.
2. The The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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