



WEB COPY



CrI.O.P.No.21645 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

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

CrI.O.P.No.21645 of 2024

Mohammed Sabi @ Madhan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
(Crime No. 23 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 23 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 29.01.2024, for the alleged offences punishable under Sections 147, 148,
342, 294(b), 307 of IPC, in Crime No.23 of 2024, on the file of the



Crl.O.P.No.21645 of 2024

respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that the defacto complainant's brother works as a reporter in a TV channel called NEWS-7. On 24.01.2024, at about 11.00 p.m, the petitioner along with other accused persons, allegedly engaged in unlawful activities and assaulted the brother of the defacto complainant with a knife, causing grievous injuries to him, and he was admitted to the hospital. 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 further submit that the Goondas invoked against the petitioner was also set aside by this Court. He further submit that the co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 8 months 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



CrI.O.P.No.21645 of 2024

respondent police submitted that on the date of the alleged occurrence, the petitioner along with other accused persons in an unlawful assembly allegedly assaulted the brother of the defacto complainant, with a knife, causing multiple injuries to him and he was admitted to the hospital. He further submit that the petitioner has 25 previous cases, pending against him. He further submit that the investigation was completed and final report has also been filed. 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 made by the learned counsel on either side, nature of offence and considering the period of incarceration undergone by the petitioner, and co-accused was also released on bail, and already the petitioner was detained under Goondas and thereafter, the detention order was also revoked by this Court, and considering that after completion of investigation, final report has also been filed and now the case is posted for examination of witnesses and considering that though the petitioner has 25 previous cases, in some of the cases, he has been acquitted



Crl.O.P.No.21645 of 2024

and in all other cases, he has been released on bail, and also considering all others 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 concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[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



CrI.O.P.No.21645 of 2024

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 269 BNS.

09.09.2024

drl

To

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

P.DHANABAL, J.

drl



WEB COPY



Crl.O.P.No.21645 of 2024

Crl.O.P.No.21645 of 2024

09.09.2024