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CRL O.P. No.23440 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.23440 of 2024

S. Kabar S/o. Saleem

... Petitioner /Accused

Vs

State rep. by:-

The Inspector of Police,
Annadhanapatty Police Station,
Salem District.
[Cr. No.481 of 2024]

... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.481 of 2023 on the file of the respondent police.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 25.07.2024 for the offences punishable under Sections 194 of



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B.N.S. altered to Sections 123 and 105 of B.N.S. on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner mixed the drug tablets in glucose and injected the same to the deceased Jabarullah and due to which, the said Jabarullah died. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case for the alleged offences under Sections 194 of B.N.S. altered to Sections 123 and 105 of B.N.S., that the petitioner was arrested and remanded to judicial custody on 25.07.2024, that the petitioner is no way connected with the above said crime, that he was only arrayed as an accused based on the confession statement of the co-accused, that he is ready to furnish solvent sureties in the event of his release on bail, that already this Court dismissed the earlier bail application and now the investigation is almost completed and hence he prayed to grant bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally 4 accused in this case, that this petitioner is A2 and he only supplied the drug tablets to the defacto complainant.



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Hence he objected to grant bail to the petitioner. However, he admitted that the investigation is almost completed.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that investigation is almost completed, that no previous case is pending against the petitioner and considering the incarceration period of the petitioner from 25.07.2024, I am 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 **Judicial Magistrate-IV, Salem** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;



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[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] 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].

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



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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

- 1.The Judicial Magistrate-IV, Salem
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, Annadhanapatty Police Station, Salem District.
4. The Superintendent of Police, Central Prison, Salem.

P.DHANABAL,J
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