



CRL OP(MD). No.1029 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Thariq @ Mohamed Tharik Anwar

... Petitioner/9th Accused

Vs

The Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
In Crime No.447 of 2023.

... Respondent/Complainant

For Petitioner : Mr.N.ADITHYA VIJAYALAYAN,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor.

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.447 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 30.07.2023 for the offences punishable under Section 302 IPC @ Sections 120(b), 147, 148 and 302 IPC in Crime No.447 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 20.07.2023 at about 6.30 p.m., the



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deceased went to play Cricket along with his child to Anna Nagar. At about 7.30 p.m., one of the friend of the deceased namely Sudhan Prabhu informed the defacto complainant that at about 7.15 p.m., while the deceased was proceeding in his two-wheeler at Vimala Hospital Road, the accused came in two-wheelers and murdered the deceased. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution. Based on the confession statement of the first accused, the petitioner was arrayed as 9th accused. The allegation levelled against the petitioner is that he drove the car and thereby helped the other accused to commit the murder of the deceased. In fact, he was detained as a Goonda by an order dated 16.09.2023 and the same was revoked by the Advisory Board, by the order dated 30.10.2023. Actually, the deceased is a rowdy element. Further, the co-accused namely A2 to A5 were enlarged on bail by the concerned trial Court. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having four previous cass, out of which, one is under SC/ST Act Cases, another is under 110 of Cr.P.C., and other cases were registered under 506(ii) of IPC. Hence, he objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First



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Information Report.

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6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and co-accused were already enlarged on bail by the concerned trial Court, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and 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 learned Judicial Magistrate No.II, Dindigul, 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 is directed to appear before the concerned trial Court on each and every hearing date without fail;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned



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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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/02/2024

/ TRUE COPY /

05/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.



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5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-1416[I] dated 05/02/2024)

ORDER
IN
CRL OP(MD) No.1029 of 2024
Date :05/02/2024

SA/SAR. /05.02.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.