



CRL OP(MD).No.4874 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.4874 of 2024

Mohammed Jibri

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.72/2024

... Respondent/ Complainant

For Petitioner : Mr.B.Mahendrarajan,
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.72/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on
29.02.2024 for the offence punishable under Section 436 IPC, in Crime No.72 of 2024



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on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that on 29.02.2024, due to previous motive, the petitioner along with the accused persons set fire on the shed of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 29.02.2024 and the co-accused was granted bail by this Court in Crl.O.P (MD).No.4461 of 2024 on 22.03.2024 and the co-accused has paid the entire damaged amount to the defacto complainant. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed for grant of bail by stating that though the co-accused person was granted bail by this Court, apart from this case, 11 previous cases are pending against the petitioner. Hence, he vehemently opposed for grant of bail.

5. Heard the learned counsel on either side.

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6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and the fact that the entire damaged amount was settled in favour of the defacto complainant and that no serious allegation was made against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following 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 learned Judicial Magistrate No.1, Ramanathapuram, 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 respondent Police daily at 10.30 a.m., until further orders;

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

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investigation or trial;

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(d)the petitioner shall not abscond 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]; and;

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

sd/-
28/03/2024

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28/03/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb



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TO
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1. THE JUDICIAL MAGISTRATE NO.1, RAMANATHAPURAM,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE OFFICER IN CHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 4.THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.4874 of 2024

Date :28/03/2024

RK/ (28/03/2024) 5P / 6C

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