



CRL OP(MD). No.7499 of 2024

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

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Syed Mohammed

... Petitioner/ Accused Rank not known

Vs

The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
(Crime No.43 of 2024.)

... Respondent/ Complainant

Siddiq Rahman

... Intervener / 3rd Party
in CRL MP(MD) No.5464 of 2024

For Petitioner : M/s.Thalaimutharasu.G, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.T.Leninkumar, Advocate

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

PRAYER :-

To release the petitioner on bail in connection with Crime no.43 of 2024 pending on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/ Accused, who was arrested and remanded to judicial custody on 28.04.2024 for the offences punishable under Sections 174(3) of Cr.P.C. @ 302 of IPC, in crime No.43 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the deceased. The deceased was running a shop by name, 'National Cooldrinks' at Meemisal Bazar. He used to open the above said shop in the earlier morning at 05.30 a.m, and closed the same at 11.00 p.m and bring cash to the house every night. As usual, on 22.04.2024, at about 11.30 p.m, when he was returning back to his house, some unknown persons attacked him with iron rod on his head and stolen his leather bag, which was contained cash. At about 11.45 p.m, the passers of the road, admitted him into the Manamelkudi Government Hospital. However, after examination, the Doctors declared that he died. Initially, case was registered for the offence under Section 174 of Cr.P.C., Thereafter, it was altered into the offence under Section 302 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner's name was not found in the FIR. Further, the co-accused were already released on bail by this Court and the petitioner is in judicial custody from



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28.04.2024, Hence, he may be released on bail.

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4. The learned counsel for the defacto complainant would submit that the petitioner is the main accused. He is the President of Gopalapattinam Jamath and he is politically influential person. Due to his influential, he tried to alter the murder case into road accident with the help of the respondent police. If he is released on bail, there is every chance for tampering the witnesses. Hence, he prayed for dismissal of this petition.

5.The learned Additional Public Prosecutor would submit that now, charge sheet has been filed before the concerned Court and the same is yet to be taken on file. He would further submit that the co-accused were already released on bail by this Court.

6.Considering the period of incarceration and also considering the facts that the co-accused were released on bail by this Court and charge sheet has been filed before the concerned Court, this Court is inclined to grant bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Manamelkudi, Pudukkottai District.



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(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police weekly once i.e., every Saturday at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To
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- 1.The Judicial Magistrate,
Manamelkudi, Pudukkottai District.
- 2.Do through the Chief Judicial Magistrate,
Pudukkottai District.
- 3.The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
- 4.The Officer Incharge,
District Jail,
Pudukkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7499 of 2024
Date :16/07/2024

ED/ /SAR- (16/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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