



CRL OP(MD). No.9581 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

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

CRL OP(MD). No.9581 of 2024

Salmankhan

... Petitioner/ Accused
(Rank Not Known)

Vs

The Inspector of Police,
Mimisal Police Station,
Pudukottai District.
Crime No.43 of 2024

... Respondent/Complainant

For Petitioner : M/s.D.Venkatesh, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.43 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Rank Not Known, who was arrested and remanded to judicial custody on 27.04.2024 for the offence punishable under Section 174 of Cr.P.C., altered into offences under Sections 147, 148, 302 and 341 of IPC, in crime No.43 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.9581 of 2024

WEB COPY

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 offences under Sections 147, 148, 302 and 341 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, he only called the ambulance to send the deceased to the Hospital. Further, A4 was released on bail by this Court in Crl.OP(MD)No.8986 of 2024 on 20.06.2024 and A5 was released in Crl.OP(MD)No.7499 of 2024 on 13.06.2024 and the petitioner is in judicial custody from 27.04.2024, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is



CRL OP(MD). No.9581 of 2024

A3 in this case. More than 16 witnesses have been examined and the investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

However, he fairly conceded that the co-accused were released on bail by this Court.

5.Considering the period of incarceration and also considering the facts that the major part of the investigation might have been completed and the co-accused were released on bail by this Court, this Court is inclined to grant bail to the petitioner on certain conditions.

6.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.

(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 daily 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



CRL OP(MD). No.9581 of 2024

WEB COPY

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/-
01/07/2024

/ TRUE COPY /

01/07/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE, MANAMELKUDI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI..

4 THE INSPECTOR OF POLICE, MIMISAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-7182[I] dated 01/07/2024)



WEB COPY



CRL OP(MD). No.9581 of 2024

ORDER

IN

CRL OP(MD) No.9581 of 2024

Date :01/07/2024

RS//SAR-(01.07.2024) 5P 7C

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