



CRL OP(MD). No.9634 of 2024

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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.9634 of 2024

Mohammed Ali @ Kanja Ali

... Petitioner/ A1

Vs

The Inspector of Police,
Tenkasi Police Station
Tenkasi District.
Crime No.478/2023

... Respondent/Complainant

For Petitioner : M/s.C.Venkatesh, Advocate.

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

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

PRAYER :-

To enlarge the Petitioner/ A1 on bail in connection the case in P.R.C.No.6 of 2024 on the file of the learned Judicial Magistrate, Tenkasi in connection with the Crime No.478 of 2023 before the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who is facing a case for the offences under Sections 120(b), 294(b), 323, 355, 302, 397, 506(ii), 392, 114 and Section 34 of IPC, in P.R.C.No.6 of 2024

on the file of the learned Judicial Magistrate, Tenkasi, in crime No.478 of 2023 on the

<https://www.mhc.tn.gov.in/judis>



file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 23.10.2023, at about 10.00 p.m, on receipt of information that a body was found back side of the Sitraru Thenpalani Andavar Temple, the defacto complainant, who is the Village Administrative Officer along with his assistant went to spot. Thereafter, the respondent police conducted investigation and found that the deceased is a beggar. The petitioner along with other two persons attacked the deceased with stones on his head and taken the money from him. Hence, the case.

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. Even as per FIR, the deceased was murdered by some unknown persons. Without any valid evidence, the petitioner is arrayed as an accused in this case. The petitioner was arrested on 23.10.2023 and he is in judicial custody for the past 10 months. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having 11 previous cases. Among them, 3 cases are NDPS cases. Further, he was detained under Goondas Act. A3 is still absconding. If he is released on bail, there is every possibility of absconding. Hence, he strongly opposed to grant bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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, Tenkasi.

(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 learned Judicial Magistrate, Tenkasi, 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 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].



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

sd/-
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01/07/2024

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

DSS
TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI..
- 4 THE INSPECTOR OF POLICE, TENKASI POLICE STATION, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9634 of 2024
Date :01/07/2024

RS//SAR-(01.07.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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