



CRL OP(MD). No.11408 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

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1. Mohamed Irfan,
2. Sheik Abdullah,
3. Mohamed Abdullah @ Faisal,
4. Mohamed Yaseen, ... Petitioners/ Accused Rank Not Known

Vs

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

... Respondent/Complainant

For Petitioners : M/s. Suresh.M.,
Advocate.

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

PETITION FOR BAIL Under Sec.483 BNSS

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

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody

on 27.04.2024 for the offences punishable under Sections 174 (3)(v) of Cr.P.C. @ into

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



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Sections 147, 148, 341 and 302 of IPC, in crime No.43 of 2024 on the file of the respondent police, seek 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 (3)(v) of Cr.P.C., Thereafter, it was altered into the offence under Sections 147, 148, 341 and 302 of IPC.

3. The learned counsel for the petitioner would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners names were not found in the FIR. Further, the co-accused were already released on bail by this Court and the petitioners are in judicial custody from 27.04.2024, Hence, they may be released on bail.

4. The learned Additional Public Prosecutor would submit that now, charge



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sheet has been filed before the concerned Court and the same is yet to be taken on file. He vehemently objected to grant bail to the petitioners, particularly the petitioners 1 and 2 on the ground that they are the prime accused and there are specific overt act as against the petitioners. He would further submit that the 3rd and 4th petitioners are having four previous cases each and the co-accused were already released on bail by this Court.

5. At this juncture, the learned counsel for the petitioners would submit that he seeks permission to withdraw this petition insofar the petitioners 1 and 2 are concerned and he has also made an endorsement to that effect.

6. In view of the same, this Petition is dismissed as withdrawn insofar the petitioners 1 and 2 are concerned.

7. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners 3 and 4 on certain conditions.

8. Accordingly, this Criminal Original Petition is allowed insofar as the petitioners 3 and 4 are concerned and the petitioners 3 and 4 are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manamelgudi, 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 petitioners 3 and 4 shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners 3 and 4 shall not tamper with evidence or witness;

iv)the petitioners 3 and 4 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 petitioners 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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].

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

9. In the result, this Criminal Original Petition is partly allowed.

sd/-

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Sub-Assistant Registrar (C.S. III)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE,
MANAMELGUDI, PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
MIMISAL POLICE STATION,
PUDUKOTTAI DISTRICT

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

ORDER IN
CRL OP(MD) No.11408 of 2024
Date :24/07/2024

SA/SAR. /24.07.2024/5P/6C

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