



CRL OP(MD). No.12232 of 2024

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

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12232 of 2024

Mohamed Azarudeen @ Kundu Azar,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Madukkur Police Station,
Thanjavur District,
Crime No.244/2024.

... Respondent/Complainant

For Petitioner : Mr.K. M.Karunakaran,
Advocate.

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

PRAYER :- For Bail in Crime No.244/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 17.07.2024 for the offences punishable under Section 126(2), 296(a), 115(2), 308(5), 351(3) of BNS, 2023 r/w. Section 25(1-A) of Arms Act, 1959, in crime No.244 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.12232 of 2024

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2.The case of the prosecution is that the petitioner and other accused abused the defacto complainant in filthy language and threatened with dire consequences and also assaulted him with deadly weapon. 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 is in judicial custody from 17.07.2024, hence he may be released on bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is having four previous case and he is a history sheeted rowdy and the investigation is pending. Hence, he strongly opposed to grant bail.

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



CRL OP(MD). No.12232 of 2024

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, Pattukottai.

(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 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].



CRL OP(MD). No.12232 of 2024

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

sd/-
31/07/2024

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01/08/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT
- 4 THE OFFICER INCHARGE,
SUB JAIL, PATTUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-9114[I] dated 31/07/2024)



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CRL OP(MD). No.12232 of 2024

ORDER
IN
CRL OP(MD) No.12232 of 2024
Date :31/07/2024

SS/SAR- /01/08/2024/5P/7C

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