



CRL OP(MD). No.12758 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12758 of 2024

1.Mohamed Nowful

2.Mohamed Ashik

... petitioners / Accused Nos. 1 & 2

Vs.

The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District,
Cr.No.185 of 2024.

... Respondent/Complainant

For petitioners : Mr.A.Mohamed Riyaz
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :- For bail in Crime No.185 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who was arrested and remanded to judicial custody on
23.07.2024 for the offences punishable under Sections 296(b), 132 and 351 (3) BNS,



CRL OP(MD). No.12758 of 2024

2023 r/w. Section 25(1)(a) of Arms Act, in crime No.185 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the police party was patrolling, the petitioners were found to be sitting in a place and were sharpening aruval and knife and intimidated the police.

3. The learned counsel for the petitioners would submit that the case is a false case and only because the petitioners' condition got relaxed in the earlier case, the present case was foisted against the petitioners and they were arrested.

4. On the other hand, the learned Public Prosecutor would submit that the weapons were recovered from the petitioners and the petitioners are history sheeters. The first petitioner is having four previous cases and the second petitioner is having five previous cases including one 307 I.P.C case and therefore, bail should not be granted.

5. On a perusal of the F.I.R, in crime No.185 of 224, the allegation is that when the police party was patrolling, the petitioners were found to be sitting in a place and were sharpening aruval and knife. Upon enquiry, they intimidated the police



CRL OP(MD). No.12758 of 2024

and as such, they were arrested.

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6. I have considered the overall submissions made on either side.

7. Considering the allegations made in the F.I.R, considering the fact that the petitioners are arrested on 23.07.2024 and are in prison, I am inclined to enlarge the petitioners on bail petitioner

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are 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, Thiruvadanai.

(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 shall stay at Thanjavur District and shall report before the Inspector of Police, Thanjavur Town Police Station, Thanjavur, daily at 10.30 am for a period of eight weeks and thereafter as and when required for interrogation. It is

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



CRL OP(MD). No.12758 of 2024

made clear that no relaxation of the condition for the said period will be entertained by this court;

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

iv)the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

05/08/2024

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05/08/2024

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

LS

TO

1. The Judicial Magistrate,

<https://www.thiruvananthapuram.gov.in>



CRL OP(MD). No.12758 of 2024

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2. -do through The Chief Judicial Magistrate, Ramanathapuram.

3. The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District,

4. The Superintendent, District Jail, Ramanathapuram.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Thanjavur Town Police Station,
Thanjavur,

ORDER IN

CRL OP(MD) No.12758 of 2024
Date : 05/08/2024

RD(05/08/2024) 5P / 7C

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