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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

CRL OP(MD). No.17279 of 2024

Mohammed Ashen

... Petitioner/ Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Avaniyapuram Police Station,
Madurai City,
Madurai District.
Crime No.623 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.T.Gopala Krishnan,

For Respondent : Mr.E.Antony Sahaya Prabahar,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.623 of 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 18.09.2024 for the offences punishable under Sections 310(4) of BNS 2023

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



and 20 & 30 of Arms Act in Crime No. 623 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.09.2024 at about 08.30 a.m., the petitioner and other accused persons found in possession of deadly weapons and on enquiry they revealed that they are planning to murder of members of one rivalry group called Machiva.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case based on the confession of co-accused. There is no previous case pending against the petitioner. The petitioner is in custody from 18.09.2024. Hence, prays to release him on bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner and other accused persons were found in possession of deadly weapons and planned to murder a member in his rival group. Hence, prays to dismiss the petition.

5.Heard the learned counsel on either side and perused the material



records of the case.

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6.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

7.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.15,000/- (Rupees Fifteen Thousand only)** with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.6, Madurai;**

(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., for a period of two weeks;

(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].

Sd/-

Assistant Registrar ()

// True Copy //

/10/2024

Sub Assistant Registrar
(CS-1/II/III/IV)

PNM

TO

1. The Judicial Magistrate No.6, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent, Central Jail, Madurai District.
4. The Inspector of Police,
Avaniyapuram Police Station,
Madurai City,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.17279 of 2024
Date : 09/10/2024

BV(09/10/2024) 5P/ 6C

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