



CRL OP(MD). No.23189 of 2023

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

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.23189 of 2023

Mohamed Niyas

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Thogur Police Station,
Thanjavur District.
(In Crime No.218 of 2023.)

... Respondent/ Complainant

For Petitioner : Mr.R.L.Dhilipanpandian, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.218 of 2023 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 06.11.2023 for the offences punishable under Sections 147, 148 and 302 of IPC in Crime No.218 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that A1 and the deceased are friends. They have already involved in double murder case and subsequently, there was a difference of opinion between them, thereby, the petitioner and other accused persons decided to commit murder of the deceased. Thereby, the petitioner and the other accused persons joined together and attacked the deceased with aruval and wooden log. Thereby, the deceased lost his life. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution and he was not available in the scene of occurrence and based on the confession of A1, the petitioner was implicated in the above said case. Further, co-accused enlarged on bail by this Court vide order dated 04.01.2024 in CrI.O.P(MD) No.23172 of 2023. He would further submit that the petitioner is in judicial custody for more than 60 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there is a specific allegation against the petitioner that he and other accused person attacked the deceased with aruval. Thereby, the deceased lost his life. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.



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6. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is no specific overt act attributed against the petitioner and co-accused enlarged on bail by this Court vide order, dated 04.01.2024, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his 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 District Munsif cum Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m and 05.00 p.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;



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(e)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]; and;

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

sd/-
05/01/2024

/ TRUE COPY /

05/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The District Munsif cum Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Thogur Police Station,
Thanjavur District.



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4.The Officer Incharge,
District Jail,
Thanjavur, Thanjavur District.

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

ORDER
IN
CRL OP(MD) No.23189 of 2023
Date :05/01/2024

ED/ /SAR- (05/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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