



CRL OP(MD). No.22722 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Ashik Mohammed @ Al Ashik,
S/o.Savukkath Ali,
100A, Ethuka Pallivasal Street,
Sellandiyamman Kovil Street,
Palani Road,
Dindigul District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Represented by the Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
(Crime No.447/2023).

... Respondent/ Complainant

For Petitioner : Mr.G.Karuppasamy Pandian,
Advocate
for Mr.M.Murugesan,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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PRAYER :-
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For Bail in Crime No.447 of 2023 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.12.2024 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.1 was arrested and remanded to judicial custody on 21.07.2023. The petitioner is facing trial in S.C.No.163 of 2023 on the file of the learned Principal Sessions Judge, Dindigul, for the offences punishable under Section 302 of the Indian Penal Code (Act 45 of 1860) @ Sections 302, 120(B), 147, 148, 149 of the Indian Penal Code, 1860 (Act 45 of 1860) in connection with Crime No.447 of 2023 on the file of the respondent-Police.

3. The case of the prosecution is that due to previous enmity, on 20.07.2023 at about 07.30 p.m., while the deceased along with his child was returning in his two-wheeler to his house after playing cricket, the petitioner along with other accused persons conspired together and attacked the deceased with deadly weapons causing



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death. Hence, the complaint.

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4. Mr.G.Karuppasamy Pandian, learned counsel for Mr.M.Murugesan, learned counsel on record, for the petitioner, submits that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 21.07.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that there are 44 previous cases pending against the petitioner. He contends that, if the petitioner is released on bail, he may cause threat to the defacto complainant. Hence, he prays for dismissal of this petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the facts and circumstances of the case and considering the bad antecedents of the petitioner and taking note of the fact that if bail is granted to the



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petitioner, he may cause threat to the defacto complainant and witnesses, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition stands dismissed. However, this Court requests the learned Principal Sessions Judge, Dindigul to conduct the trial in S.C.No.163 of 2023 and complete the same in an expeditious manner as far as possible. Further, this Court directs the prosecuting agency as well as the accused persons to co-operate with the trial Court for speedy disposal of the sessions case.

sd/-
06/02/2025

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/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1.THE PRINCIPAL SESSIONS JUDGE, DINDIGUL

2.THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.

3.THE SUPERINTENDENT, CENTRAL PRISON,MADURAI.



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

ORDER
IN
CRL OP(MD) No.22722 of 2024
Date :06/02/2025

RK/SKN/SAR-3 (19/02/2025) 5P / 5C

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