

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13691 of 2020

Muhammed Nadeemullah @ Subair

... Petitioner

Vs.

State Rep. By
Inspector of Police
D1, Triplicane Police Station,
Chennai

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.681 of 2020 on the file of the respondent Police, D1, Triplicane Police Station, Chennai.

For Petitioner : Mr.M.Hussain Basha

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.07.2020 for the offence punishable under **Sections 341, 294(b), 326, 506(2) IPC, in Crime No.681 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Sadiq Ussain is that on 10.07.2020, he was informed that his son Javid Hussain and his friends were having fight in the street. When he had rushed to the spot, he had seen that one Mohammed Ali Ussain and one Mohammed Vahar Aspak were fighting with his son. When the defacto complainant had asked them not to fight, the said Mohammed Ali Ussain and one Mohammed Vahar Aspak caught hold of the hands of the defacto complainant's son and one Muhammed Nadeemullah/the petitioner herein stabbed the victim with knife in the stomach due to which, he sustained injury. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the victim and the petitioner are close relatives and the incident happened during a sudden fight and that there was no intention for the petitioner to cause any injuries on the victim. He would further submit that the petitioner was arrested on 11.07.2020 and since, the petitioner and the defacto complainant are relatives, the matter is also likely to be compromised between the family members. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would vehemently oppose and state that though the victim and the petitioner are relatives, the petitioner had stabbed the victim with knife due to which, the victim sustained injury on the spleen and that the spleen of the victim has also been removed. He would further submit that the investigation is pending.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration of the petitioner from 11.07.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) Thereafter, the petitioner shall execute 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 II-Metropolitan Magistrate, Egmore, Chennai, within a period of two weeks from the date of commencement of the Court's normal functioning**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner on his release from prison, shall stay at Vaniyambadi, and report before the Inspector of Police, Town Police Station, Vaniyambadi, daily at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police until further orders.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

14/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE JAILER, SUB JAIL,
KANCHEEPURAM

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
D1 TRIPLICANE POLICE STATION,
CHENNAI.

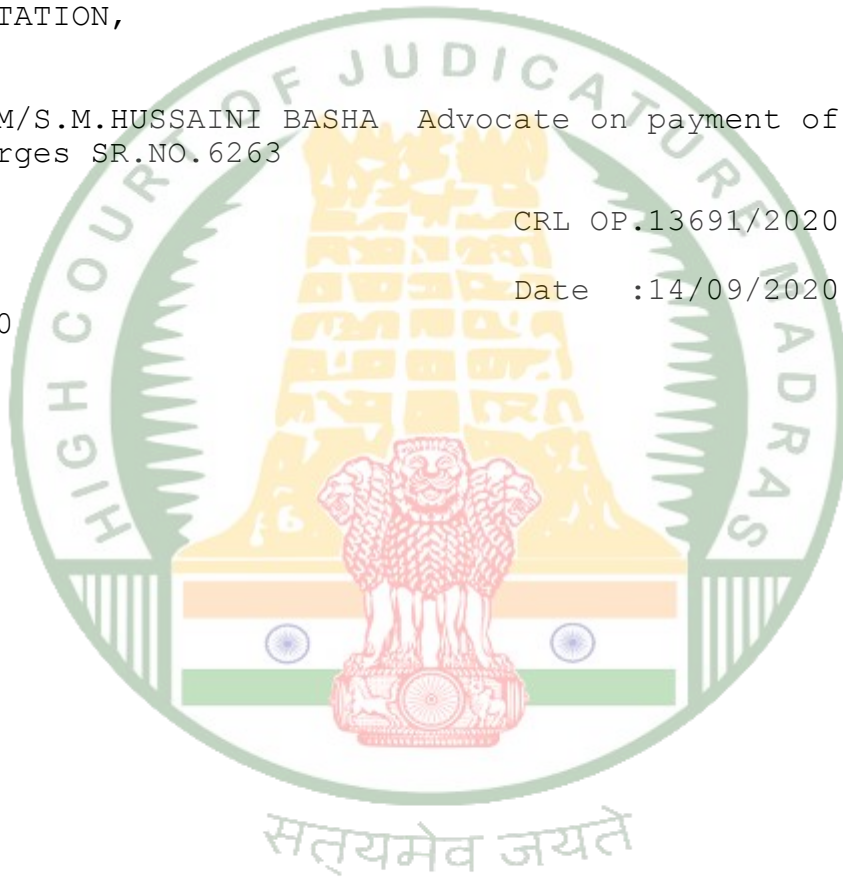
6 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
VANIYAMBADI

+1 CC to M/S.M.HUSSAINI BASHA Advocate on payment of
necessary charges SR.NO.6263

CRL OP.13691/2020

Date :14/09/2020

GKS:17/09/2020



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