



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

Date : 17/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9889 of 2020

RAJA MOHAMMED

... PETITIONER/ACCUSED NO.10

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
(IN CRIME NO. 251 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For a Bail in Crime No.251 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A10 herein was arrested and remanded to judicial
custody on 15.08.2020 for the alleged offences under Sections
147,363,342 and 302 of IPC.

2. There are totally 11 accused in this case and the petitioner
herein is arrayed as A10. The case of the prosecution is that, the
deceased Akbar Ussan was having business transaction with
A1, promising to supply mobile spare parts, he received a sum of
Rs. 16 lakhs from A1 and failed to supply the spare parts and
refused to refund the amount. In order to collect money from A1, A2
and A3 abducted the deceased and kept him in a godown belongs to A2.
Thereafter all the other accused went there in two wheelers and
demanded money from the deceased. Since he refused A3 and A5 hang
the deceased upside down in the godown and all the accused said to
have indiscriminately attacked the deceased with plastic pipe.
And because of the noise the villagers working near the godown



gathered there and they found the deceased unconscious later found him dead. The villagers have surrounded all the accused persons, immediately informed the same to the police and one of the villager has given complaint before the respondent police. Based on the complaint petitioner along with other accused were arrested.

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3. The learned counsel for the petitioner would submit that the petitioner herein is the friend of A1 and at that time he was at Trichy and his mobile call record clearly reveals the same. He would also submit that since he is a friend of A1, he has been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein is the friend of A1, in order to recover money from the deceased,A1 to A3 abducted him and kept in the remote place and attacked him with plastic pipe. All the accused persons were surrounded by the villagers and caught red handed. He would also submit that investigation is yet to be completed.

5. From the perusal of the record it is seen that, there was a money dispute between A1 and the deceased. More than Rs.16 lakhs has to be recovered from A1, for which A1 to A3 said to have abducted the deceased and kept in a godown which belongs to A2,where they said to have demanded money. When the deceased refused they hang him upside down. Thereafter all the accused went there in two wheelers joined with A1 to A3 and they also said to have attacked the deceased indiscriminately with plastic pipe . From the perusal of confession of A1 it is seen that only A1 to A3 said to have abducted the deceased, thereafter A3 and A5 hang him upside down and other accused said to attacked him with plastic pipe and no specific overt act has been attributed against him.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Keeranur.

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 until further orders

<https://hcservices.courts.gov.in/hcservices> 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, KEERANUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE
MATHUR POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9889 of 2020

Date :17/09/2020

AAV

JM/AKM/SAR III/17.09.2020/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>