



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

Date : 24/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10224 of 2020

MOHAMED YASAR @ YASAR

... PETITIONER/ACCUSED NO.6

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY DISTRICT
CRIME NO.747 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.B.Jameelarasu,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 747 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A6 herein was arrested and remanded to judicial custody on 07.09.2020 for the alleged offence under Sections 147, 342, 294(b), 323, 364(A), 506(ii) 395, 397 of IPC r/w Section 67 of the Information Technology Act

2.The case of the prosecution is that the defacto complainant and one Nisha/A1 became close friends through Face book and on 04.09.2020 Nisha/A1 called him to Trichy and at the time, all the accused came in a Auto and attacked the defacto complainant and took away and demanded Rs.1 lakh and also taken photographs and threatened him. Hence, a complaint.

3. The learned counsel appearing for the petitioner would submit that A1/Nisha got recently engaged with A2, the defacto complainant sent obscene message to A1. Hence, there was a quarrel between the defacto complainant and A1 and A2. He further the

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has been secured. He would also submit that A4 and A5 in this were granted anticipatory bail by this Court in Crl.O.P(MD) No.9707 of 2020 on 14.09.2020.

4. The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that all the accused with an intention of demanding money, abducted the defacto complainant and also demanded money. He further submitted that the victim has been secured and A4 and A5 in this case were granted anticipatory bail by this Court in Crl.O.P(MD) No.9707 of 2020 on 14.09.2020

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that victim has been secured and co- accused in this case were granted anticipatory bail by this Court and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 No.II, Trichy, Trichy District.

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.

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].

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

sd/-

24/09/2020

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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 NO.II,
TRICHY, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10224 of 2020
Date :24/09/2020

aav
JM/PN/SAR III/24.09.2020/3P/6C