

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3840 of 2021

S.Sheik Haneef

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kangeyam Police Station,
Tiruppur Dt.
(Crime No.88 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.88 of 2021 on the file of respondent police.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are five accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 27.01.2021 for the offence punishable under Sections 363, 147, 148 and 364 (A) of I.P.C. in Crime No.88 of 2021, seeks bail.

2. The case of the prosecution is that A1 and the defacto complainant are partners in the business. It is stated that the defacto complainant has to give a sum of Rs.30 lakhs to A1. The petitioner has demanded a sum of Rs.30 lakhs from the defacto complainant, but he refused to pay the amount. Hence, all the accused gone to attack the defacto complainant, since he was not available, they have abducted the driver of defacto complainant. Hence, he has been implicated as accused in this case, and a criminal case was registered against the petitioner. Accordingly, he was arrested and remanded to judicial custody on 27.01.2021. Now, the present petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he is no way

connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in this case and he is in jail for more than one month. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is a money dispute between A1 and the defacto complainant, as a result of which, they have attacked the defacto complainant. She would submit that now the driver was rescued and no previous bad antecedents against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that there is a money dispute between A1 and the defacto complainant, now the driver was rescued and also considering the period of incarceration suffered by the petitioner from 27.01.2021, 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 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 Judicial Magistrate, Kangeyam and on further conditions that:

(b) 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;

(c) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

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

(g) 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];

(h) 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/-
26/02/2021

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
KANGEYAM

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.M.SARAVANAKUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.3840/2021

Date :26/02/2021

MN-01/03/2021