

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.9626 of 2021

Abdul Malik @ Basha @ Sagul Ahamed

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Manali Police Station,
Chennai.

(Crime No.14 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.14 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner who was arrested on 18.03.2021 and remanded to judicial custody for the offences under Sections 294(b), 364A, 323 and 506(ii) of IPC, in Cr.No.14 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.01.2021 the petitioner along with other accused persons had kidnapped the defacto complainant and snatched the RC book and LIC originals and a sum of Rs.3,00,000/- from the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 18.03.2021 Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) vehemently opposed the grant of bail by stating that there are four previous cases pending against the petitioner. He further submit that A1 has been detained under Goondas Act. He would further submit that the original documents seized from the defacto complainant is under custody of this petitioner.

5. Considering the fact that the petitioner was not detained under Goondas Act, the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner is directed to furnish the original documents to the Investigating Officer and also hand over the two wheeler to the Investigating officer which he has seized from the defacto complainant within a period of one week from the date of this order, failing which the petitioner is not entitled for release on bail.

(b) On the above condition being complied with the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Puzhal, in which the petitioner is now confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Madhavaram, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Madhavaram.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(d) the petitioner shall co-operate with the trial and report before the respondent police daily at 10.30 a.m., until further orders.

(e) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

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

(g) 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]; and;

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

-sd/-
27/05/2021

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,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANALI POLICE STATION,
CHENNAI.

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

CRL OP.9626/2021

Date :27/05/2021