



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13368 of 2021

Moideen Affib Mohamed

.. Petitioner

Vs.

State Rep. By
The Inspector of Police,
Pollachi Bazaar Police Station,
Coimbatore District.
Cr.No.1261 of 2020.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to grant bail to the petitioner/accused in Crime No.1261 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.B.Aravindhan

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

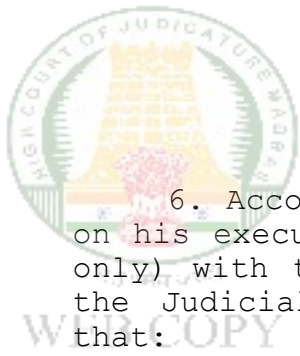
The petitioner who was arrested on 11.11.2020 and remanded to judicial custody for the offences under Sections 376 r/w 511 of IPC @ Section 450, 376(1) of IPC, in Crime No.1261 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner attempted to rape the mother of the defacto complainant's who is aged about 90 years. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted 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 11.11.2020. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner.

5. Considering the age of the victim and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Pollachi, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(e) 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;

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

-sd/-
02/08/2021

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,
NO.II, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

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



3 THE SUPERINTENDENT
CENTRAL PRISON, COIMBATORE

4 THE INSPECTOR OF POLICE,
POLLACHI BAZAAR POLICE STATION.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13368/2021

Date :02/08/2021

APN 03/08/2021