



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.17913 of 2021

Noor Ahmed

... Petitioner

Vs.

The State rep by,
The Inspector of Police,
AWPS Tambaram Police Station,
Chennai - 600 045.
(Crime No.5 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in connection with Crime No.05 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Gunaraj

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

For Intervenor : Mr.Mohammed Rafi

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.08.2021 for the offences under Sections 498 A, 323, 312 of IPC and Section 4 of the TNPWH Act, 2002, in Crime No.5 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a matrimonial dispute between A1 and the defacto complainant. Further, on earlier occasion A1 had attacked the defacto complainant and caused injuries to her. The petitioner is the brother of A1, he was implicated in this case. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 21.08.2021. He further submitted that the petitioner is only available in the scene of occurrence. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending as against the petitioner in Tamilnadu. However, he vehemently opposed for grant of bail to the petitioner.

5. The learned counsel for the intervernor/defacto complainant submitted that the petitioner along A1 had attacked the defacto complainant and harassed her. He further submitted that the petitioner has involved in criminal case at Kanpur. Hence, he strongly opposed for grant of bail to the petitioner.

6. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 learned Judicial Magistrate-1, Tambaram, 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.

WEB COPY

-sd/-
28/09/2021

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.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE SUPERINTENDENT,
PUZHAL JAIL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
AWPS TAMBARAM POLICE STATION,
CHENNAI-600 045.

+1 CC to M/S.P.GUNARAJ Advocate on payment of necessary charges
SR.NO.10667

CRL OP.17913/2021

Date :28/09/2021

RW 29/09/2021