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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21017 of 2021

Sami Ulla @ Samiyullah

.. Petitioner

Vs.

The State Rep.by the
Inspector of Police,
Oomerabad Police Station,
Vellore District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail in Crime No.505 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.09.2021 for the offences under Sections 354D, 450, 307 of IPC, in Crime No.505 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant had love affair with the petitioner from 2012 to 2018 and hence the petitioner and his mother insisted the defacto complainant to get marry with the petitioner, but, the defacto complainant refused to marry, due to the petitioner and the defacto complainant are different religion and caste and the defacto complainant's parents not accepted the marriage for which, the petitioner poured petrol and diesel on the defacto complainant/victim girl and also attempted to set fire. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submit that A2/mother of the petitioner has already been enlarged on anticipatory bail by the learned Principal District and Sessions Judge, Vellore, Vellore District in CrI.MP.NO.3829 of 2021 dated 28.09.2021 and there is no previous case as against the petitioner and that he has been suffering incarceration for more than 55 days from 14.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submits that the investigation is almost completed and the victim girl has been discharged from the hospital. He further submits that there is no previous case pending against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also considering the submissions made by both counsel and also the fact that the defacto complainant/victim girl has been discharged from the hospital and there is no previous case against 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 learned Additional District Munsif-Cum-Judicial Magistrate, Ambur, 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 stay at Nagapattinam and report before the Nagapattinam Town Police Station, Nagapattinam daily at 10.30 am until further orders and till the disposal of the case, the petitioner shall not have any communication with the victim girl and her family ;

(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.

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10/11/2021

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VELLORE, VELLORE DISTRICT.

2 THE ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, AMBUR.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
OOMERABAD POLICE STATION,
VELLORE DISTRICT

7 THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary
charges SR.NO.12603

CRL OP.21017/2021

Date :10/11/2021

RW 10/11/2021