



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.12.2021

CORAM:

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

Crl.O.P.No.23695 of 2021

1.Abib @ Sultan  
2.Hameed  
3.Siddique  
4.Harshad Afridi @ Arshad Afridi  
5.Faiyaz Ahmed

... Petitioners

Vs.

The State Represented by  
The State Inspector of Police,  
Ambur Taluk Police Station,  
Vellore District.  
Crime No: 576 of 2021

...Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No.576 of 2021 on the file of the (Ambur Taluk Police Station, Vellore District) respondent police.

For petitioners : Mr.K.C.Karl Marx

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl. Side)

### ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.11.2021 for the offences under Sections 294(b), 324, 364 and 511 of IPC, in Crime No.576 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first petitioner is the brother in law of the defacto complainant and other petitioners are friends of A1. On 15.11.2021, the petitioners waylaid the defacto complainant and attempted to kidnap him by pouring chilling powder in his eyes. Hence the complaint.

3. The learned counsel for the petitioners would submit that he has been suffering incarceration from 15.11.2021. He would further submit that the petitioners is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioners.



4.The learned Government Advocate (Crl. Side) submits that the petitioners attempted to kidnap the defacto complainant by pouring chilli powder in his eyes to extract money from the defacto complainant. He further submits that investigation has been completed. However, he opposed for grant of bail to the petitioners.

5.Considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of the Registered Advocate Clerk Association, Vellore District without prejudice to his rights and contentions.

6. It is made clear that the deposit of the amount by the petitioners to the said Authority would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the the period of incarceration undergone by the them and that the investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are 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 Addittional District Munsif cum Judicial Magistrate, Ambur, and on further conditions that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocate Clerk Association at Vellore District without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(b)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;

(c) the petitioners shall report before the respondent police on every Tuesday and Wednesday at 10.30 a.m. until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

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



(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

-sd/-

10/12/2021

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 ADDITIONAL DISTRICT MUNSIF  
CUM JUDICIAL MAGISTRATE, AMBUR,  
VELLORE DISTRICT.

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

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,  
AMBUR TALUK POLICE STATION,  
VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE  
CLERK ASSOCIATION, VELLORE DISTRICT.

+1 CC to M/S. K.C.KARL MARX Advocate on payment of necessary charges SR.NO.14527

CRL OP.23695/2021

Date :10/12/2021

RW 10/12/2021