



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.2614 of 2022

Abubakkar

... Petitioner

Vs.

The Inspector of Police,
Gingee Police Station
Villuppuram District.
(Crime No.45 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioner on bail in Crime No.45/2022, on the file of the respondent police pending investigation.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on **19.01.2022** for the offences under **Sections 341, 294(b), 323, 324, 307 of I.P.C r/w 3 of P.P.D.L. Act** in Crime No.45 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is driving a private taxi and that his brother Amir Basha was married with one Barjana and the said Barjana had left his brother two months back and as a result his brother Amir Basha had posted in his face book that the petitioner herein was the reason for the breakup and as a result, there was a dispute between the defacto complainant and the petitioner . It is further alleged that when the defacto complainant was alleged to be standing near the school in his locality at about 7.45 a.m., the petitioner herein is alleged to standing near the school in his locality, the petitioner herein alleged to have abused the defacto complainant and asked why the defacto complainant's brother had put such a post in the face book and attacked him with deadly weapons and caused injuries on him. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 12 days from 19.1.2022. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the investigation was almost completed and he further submits that the petitioner is having one previous case.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the **learned Judicial Magistrate, Gingee within 15 days from the date of commencement of the Court's normal functioning**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;

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

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

(h) 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;

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

-sd/-
04/02/2022

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,
GINGEE, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, VILLUPURAM.

+1 CC to M/S.A.THIRUMARAN Advocate on payment of necessary charges SR.NO.1910

CRL OP.2614/2022

Date :04/02/2022

TA-07/02/2022