



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10946 of 2022

A.BAIRAM KHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
B1, NORTH BEACH POLICE STATION,
CHENNAI.
(CRIME NO.101/2022)

[RESPONDENT]

For Petitioner : M/S. G.MOHANA KRISHNAN Advocate

For Respondent : MR.S.SUGENDRAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under sections 147, 294(b), 324, 307, 344, 364A, 506(ii) read with 34 of IPC in Crime No.101 of 2022, on the file of the respondent police, seek anticipatory bail.

2. According to the police, they recorded the statement of the complainant at Appollo Hospital. In the statement, the complainant had stated that on 29.01.2022, while he was returning from Dubai one Arun Prasad gave one kilogram gold to hand over the gold of Hakkim of Ahemadabad and assured to give one lakh money to him. For getting money the complainant accepted to take the gold to India. On 29.01.2022 Arun Prasad gave gold to the complainant and he kept the gold on his anus. Due to some pain he removed it and handed over to Anish Kumar for transporting it to Ahmedabad. On 30.01.2022 at about 2.45 a.m., they landed at Ahmedabad Airport. Anish Kumar left the Airport before the complainant and took the gold. Subsequently, Anish Kumar did not returned the gold to the complainant. Thereafter, Hakkim on 02.02.2022 brought the complainant to Mannadi Gem Palace hotel and illegally detained him in hotel. At that time, seven persons came to the hotel and threatened him. Again the complainant



was taken to Pondicherry in XYLO car and detained him in a hotel for five days. Thereafter, brought him to Chennai and detained him for five days and also took him to Thiruvananthapuram and kept him in a hotel where they received information that Anish Kumar returned to Dubai. Thereafter, the complainant was taken to Nagarkovil hotel and stayed at Ganga hotel for twelve days and beaten him. The complainant's sister and brother gave the complaint at Thiruvonam Police Station at Tanjore but no case was registered. Hakkim, Noor, Arun Prasath, Hussain, Amin, Jain and Bairam Khan are known to the complainant. Finally the complainant was detained at Mannadi hotel and assaulted with belt and wooden log. On 07.03.2022 he was admitted in hospital for taking scan and thereafter he was admitted in BHS hospital at Pallavaram. Since, he became serious he was admitted at OMR Apollo Hospital, on 11.03.2022, he was accompanied with Hussain, Noor and Hakkim. In the hospital the complaint has stated that he has sustained injury while attending painting work and fall down. When two days before this incident he gave a statement to B1 Police Station at that time also he stated that he sustained injury while painting and fall down. While examining by Thiruvonam police he did not disclose the fact. Now, he gave the statement and police registered a case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence, he pleads for anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the injured discharged from the hospital and further stated that custodial interrogation of the petitioner is not required.

5. On perusal of FIR there is no specific overt act attributed towards this petitioner.

6.Considering the submissions of the learned Additional Public Prosecutor and nature of the case and non requirement of the custodial interrogation by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned VII Metropolitan Magistrate Court, George Town, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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

(b) the petitioner shall report before respondent police as and when required for interrogation;

(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 is 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/-

11/05/2022

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 VII METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B1, NORTH BEACH POLICE STATION,
CHENNAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. G.MOHANA KRISHNAN Advocate on payment of necessary
charges SR.No.6934

CRL OP.10946/2022

Date :11/05/2022

CSK 12/05/2022