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Crl.OP.No.16212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16212 of 2022

N.Iqbal

...Petitioner

Vs.

State rep by,
The Inspector of Police,
M-4, Redhills Police Station,
Madhavaram.
In Crime No: 141/2022.

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.141 of 2022 pending on the file of the respondent police.

For Petitioner	: M/s.M.Mohamed Riyaz
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 11.06.2022 for the offences punishable under Sections 406, 420 and 506(i) of IPC in Crime No.141 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that, the *de-facto* complainant by name Abubakkar who is the father-in-law of the A1 lodged the complaint stating that A1 had love affairs with *de-facto* complainant's daughter and later married her on 16.12.2018. It is further alleged that A1 borrowed money from the *de-facto* complainant and failed to return the same and A1's parents who were residing in the first floor of the *de-facto* complainant's house also left the home with these allegations. Hence, the case.

3. Even according to the case of the prosecution the father-in-law of the A1 lodged a complaint alleging that the A1 received a sum of Rs.50,00,000/- by mortgaging property belonging to the *de-facto* complainant. Thereafter failed to return the same. The petitioner who is being the father of the A1 is also implicated as an accused in this case and he was remanded to judicial custody on 11.06.2022.

4. The learned counsel appearing for the petitioner would submit that the petitioner also handed over the property in the favour of A1 and thereafter he absconded.



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5. However, the petitioner is the father of the A1 and entire allegation is prevailing as against A1.

6. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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 No.II, Ponneri and on further conditions 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., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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



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laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.07.2022

mpl

To

- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The The Inspector of Police,
M-4, Redhills Police Station,
Madhavaram.
- 3.Sub Jail,
Ponneri.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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