



Crl.OP.Nos.24428 & 24432 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.24428 & 24432 of 2022

Shafiq Ahmed ... Petitioner in both Crl.O.P.No.24428 of 2022

Rafiq Ahmed @ Rafeeq Ahamad

... Petitioner in both Crl.O.P.No.24432 of 2022

Vs.

State represented by,
The Inspector of Police,
Alangayam Police Station,
Tirupathur District.

... Respondent in both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Crime No.92 of 2022 on the file of the respondent.

In both Crl.O.P.Nos.

For Petitioners : M/s.S.P.Arthi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.08.2022 and 19.09.2022 respectively for the offences punishable under Sections 294(b), 307, 323, 324, 341, 506(ii) of IPC @ 195A, 294(b), 307, 323, 324, 341 & 506(ii) of IPC in Crime No.92 of 2022 on the file of the respondent Police, seek bail.

2. The case of the Prosecution is that the accused have waylaid the de-facto complainant, who is the witness against the petitioners in a previous case pending for trial and assaulted him with iron rod, causing injuries and threatened him not to depose evidence against them and also with dire consequences. Hence, the case.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and a false complaint has been given against them. He would also submit that the fact remains is that the de-facto complainant is the person who has threatened the petitioners and gave a false



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complaint against them. He would further submit that the petitioners are ready to give an undertaking that they will not interfere with the PW2 and they have also prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners, who are the accused facing trial in C.C.No.6366 of 2022, before the learned Judicial Magistrate-III, Tirupathur, have threatened the PW2 not to give evidence against them and also assaulted him with iron rod, causing injuries. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel for the petitioners, this Court is inclined to grant bail to



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the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Tirupathur**, 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, everyday at 5.30 p.m., until further orders;

[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



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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]**;

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

14.10.2022

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To

1. The Judicial Magistrate No.III,
Tirupathur.
2. The Inspector of Police,
Alangayam Police Station,
Tirupathur District.
3. The Sub Jail, Tirupathur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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