



Crl.O.P.No.30840 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2022

CORAM :

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

Crl.O.P.No.30840 of 2022

Mohammed Rafiq,
S/o.Babu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
SID-CBCID Coimbatore City
Police Station,
Coimbatore City.
(Crime No.9 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.9 of 2022 on the file of respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.09.2022 for the alleged offence punishable under Sections 435, 153 (A) of of I.P.C. and Section 3 of Explosives Substance Act in Crime No.9 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is Rathinapuri Zonal President of B.J.P. and he is running a gas welding shop in the name of Veni Traders for the past 40 years. On 22.09.2022 at about 10.40 p.m., some person thrown petrol bomb at BJP office at Sithapudhur and he went there after closing his shop and on the next day, when they came to the shop, they found that some parts of petrol bomb in front of his shop and tried to fire the shop due to political vengeance. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that he is a social worker and suspecting him, he was impleaded as an accused in this case. He would submit that he is an innocent person and he is no way connected with the offence. He would submit that he has not committed any offence as alleged by the respondent police and he has



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been falsely implicated in the present case. He would submit that he is in custody for more than 46 days from 28.09.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are two accused in this case and the petitioner is arrayed as A1. He would submit that there are six previous cases pending against the petitioner and A2 was arrested and he is still in judicial custody. He would submit that the investigation is almost completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost completed, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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



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the learned **Judicial Magistrate No.II, Coimbatore** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Tiruvannamalai District and report before the Town Police Station, Tiruvannamalai at 10.30 a.m. daily for the period of two months and thereafter, he shall appear before the respondent police at 10.30 a.m. on every Saturday for another period of two months ;

(c) the petitioner shall not commit any offences of similar nature;

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

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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



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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];

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

14.12.2022

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To

- 1.The Judicial Magistrate No.II,
Coimbatore.
- 2.The Inspector of Police,
SID-CBCID Coimbatore City Police Station,
Coimbatore City.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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