



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Third day of March Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) No.4174 of 2022

IBRAHIM @ EBRAHIM

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AIPORT POLICE STATION,
TRICHY CITY
(CRIME NO.46 OF 2022)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.PITCHAI MUTHU.M. Advocate
For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

PRAYER : FOR BAIL IN CRIME NO.46 OF 2022 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 28.01.2022 for the offences punishable under Sections 147, 365, 294(b), 323 and 506(ii) IPC, in Crime No.46 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.01.2022 at about 05.00 pm., the petitioner and other accused kidnapped the defacto complainant, attacked him and abused him in filthy language and threatened to hand over the jewels. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is pending, that the petitioner is not having any previous case. He would further submit that A2 and A5 were absconding and all the other accused were arrested and remanded to judicial custody.



5.No doubt, the petitioner's earlier application was dismissed by this Court in Crl.OP(MD)No.2910 of 2022 vide order dated 10.02.2022.

6.Considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is in judicial custody from 28.01.2022, and that the petitioner is not having any previous case for similar offence or serious offence, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.VI, Trichy.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

(iii)the petitioner shall not tamper with evidence or witness.

(iv) the petitioner shall not abscond during trial.

(v)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].

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

sd/-
03/03/2022

/ TRUE COPY /

04/03/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1 THE JUDICIAL MAGISTRATE NO.VI
TRICHY

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
AIRPORT POLICE STATION,
TRICHY CITY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.4174 of 2022

Date :03/03/2022

RS/SBN/SAR.3(04.03.2022) 3P-6C