



Crl.O.P.No.4183 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

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

Crl.O.P.No.4183 of 2023

Shahul Hameed,
S/o.Meera Mydeen

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur.
(Crime No.26 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.26 of 2023 pending on the file of respondent police.

For Petitioner : Mr.D.Padmanabhan

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 06.01.2023 for the alleged offence under Section 392 of I.P.C. in Crime No.26 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 03.01.2023 around 09.30 hrs., when the defacto complainant was driving his two wheeler to deliver goods, at that time, the petitioner along with other other accused waylaid him and demanded money from him, he informed him that he has no amount with him, thereby on threatening him, they said to have taken his two wheeler and escaped from there. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has



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been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 51 days from 06.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally there are two accused involved in this case and he is arrayed as A2. He would submit that on the date of occurrence, when the defacto complainant driving his two wheeler to deliver goods, the petitioner along with other accused waylaid him and demanded money and on his refusal, on threatening him, they have taken his two wheeler and escaped from there. He would submit that now the property was recovered from them and no previous case pending against him. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that the property was recovered from him and no previous case pending against him and on considering the period of incarceration undergone 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, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate, Palladam**, 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 report before the



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respondent police daily at 10.30 a.m. until further orders;

(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 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.

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To

1. The Judicial Magistrate, Palladam.
2. Inspector of Police,
Palladam Police Station,
Tiruppur Dt.
3. The Superintendent of Prison,
Tiruppur Prison.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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