



Crl.O.P.No.5804 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

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

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K.A.Mujeeb Rahiman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chithode Police Station,
Erode District.

(Crime No.39 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.39 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.K.Balasubramaniam

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



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 29.01.2023, for the offences punishable under Sections 399, 420, 465, 468 & 471 of IPC in Crime No.39 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.01.2023, when the *de-facto* complainant, Sub-Inspector of Police and his team were on their patrol duty, they have stopped a Bolero pickup vehicle, the vehicle which followed the Bolero vehicle flew away without stopping the car. On enquiry, it came to light that the accused had committed dacoity on 21.01.2023, in respect of which a case in Crime No.33 of 2023 was registered and also they have planned for committing dacoity. The further allegation is that the accused have created a forged number plate for their car and also they were in possession of deadly weapons and chilli powder . Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that earlier, a case in Crime No.33 of 2022 was registered against the petitioner by the very same respondent and in order to keep the petitioner in continued detention, the present case has been foisted against him. He also submitted that the petitioner was arrested on 29.01.2023 and he is in custody for more than 60 days, therefore, the petitioner is entitled for grant of bail under Section 167(2) of Cr.P.C. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on 28.01.2023, petitioner (A6) along with other accused was found in making preparations for committing dacoity and the respondent has arrested the accused, seized the weapons and recorded the confession statement from them. He also submitted that during the course of investigation, it came to light, the accused are the persons, who have committed dacoity on 21.02.2023 and they have forged the number plate of their car used in dacoity. He also submitted that investigation is still pending and also submitted that the petitioner is a native of Kerala, therefore, if bail is



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granted to the petitioner, there is every possibility of him, to abscond and it would be difficult to secure him. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.10 lakhs, before the Court concerned. Therefore, he prayed to grant bail to the petitioner.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by this petitioner and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.10 lakhs to the credit of



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crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.10 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.39 of 2023**, without prejudice to his rights and contentions before the trial Court and on such deposit, 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 (out of which, one shall be a blood related surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the learned **Judicial Magistrate-III, Erode**, 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 10.30 a.m., until further orders;**



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[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 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.

10.04.2023

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To

1. The Judicial Magistrate No.III,
Erode.
2. The Inspector of Police,
Chithode Police Station,
Erode.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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