



Crl.O.P.No.5742 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

Crl.O.P.No.5742 of 2023

Beer Mohammad

.. Petitioner

Vs.

The State represented by,
The Inspector of Police,
B1 North Beach Police Station,
Chennai.

(Crime No.65 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.65
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Soundar Vijay Arulram

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



Crl.O.P.No.5742 of 2023

The petitioner, who was arrested and remanded to judicial custody on 22.02.2023 for the offences under Sections 384 and 420 of IPC, in Crime No.65 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Malarkodi is that on 01.11.2022, the respondent Police seized two knives from the car parking, where the defacto complainant's son used to park his vehicle, therefore, he was called for enquiry by the respondent Police. While so, on 09.11.2022, the petitioner contacted the defacto complainant and demanded Rs.3 lakhs so as to give the same to the Assistant Commissioner as bribe for not registering a First Information Report against her son. Believing the words of the petitioner, the defacto complainant had given a sum of R.3,50,000/- to him on various dates, by way of bank transaction and also by way of cash, whereas, the petitioner cheated her. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that the petitioner and the family members of the defacto complainant are known to each other for several years and later,



Crl.O.P.No.5742 of 2023

there was a financial dispute between them. The petitioner have borrowed an amount of Rs.50,000/- and the same was also repaid and due to some misunderstanding, the defacto complainant has given a false complaint as if the petitioner have demanded and received an amount of Rs.3 lakhs for not registering the case against her son. He reiterated that the case of financial dispute has been exaggerate as a case of extortion. He also submitted that the petitioner is in judicial custody from 22.02.2023 and hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner have threatened the defacto complainant and her son and demanded Rs.3,00,000/- as bribe for not registering a First Information Report against her son and cheated them. He further submitted that there are four previous cases are pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.



Crl.O.P.No.5742 of 2023

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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate No.VII, George Town, Chennai** 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, daily twice at 10.30 a.m and 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



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Crl.O.P.No.5742 of 2023

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.

16.03.2023

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To

- 1.The Metropolitan Magistrate No.VII,
George Town, Chennai.
- 2.The Inspector of Police,
B1 North Beach Police Station,
Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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Crl.O.P.No.5742 of 2023

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Crl.O.P.No.5742 of 2023

16.03.2023