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Crl.O.P.No.6416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

Crl.O.P.No.6416 of 2023

Saidq Basha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Hosur Police Station,
Krishnagiri District.

(Crime No.39 of 2023).

... Respondent

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

For Petitioner : Mr.V.Jayaprakash

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2023, in connection with Crime No.39 of 2023, registered for “Man Missing” and altered for the offence punishable under Sections 147, 302 & 201 of IPC, on the file of the respondent police, seeks bail.

2. The *de-facto* complainant, Sathajibanu has lodged a complaint stating that her son, Salman Khan, who was a two wheeler mechanic, was in love with one Umara Banu, daughter of A4, which was not liked by A4, thereby, he had lodged a complaint and an enquiry in C.S.R.No.23 of 2023 was conducted, during which, the Police has warned her son and thereafter, her son had not returned home. Based on her complaint, a “Man Missing” case in Crime No.39 of 2023 was registered by the respondent Police. During the course of investigation, it came to light that the accused have murdered the victim and thrown his body in Thippupondanalli Dam in Karnataka. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He



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further submitted that he has been implicated in this case only based on the confession statement recorded from A1 that on the request made by the petitioner, they had committed the murder. He also submitted that other than the confession statement, no material was available as against the petitioner. He also submitted that the petitioner is in custody from 30.01.2023 and the major part of the investigation is over and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity with regard to the love affair of the victim with the daughter of A4, the petitioner along with other accused have committed murder of the victim and to screen the evidence had disposed the body near Thippupondanalli Dam in Karnataka. He further submitted that no previous case is pending as against the petitioner and the investigation is pending in this case. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur**, 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. and 5.30p.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.

21.03.2023

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To

1. The Judicial Magistrate No.II,
Hosur.
2. The Inspector of Police,
Hosur Police Station,
Krishnagiri District.
3. The District Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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