



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.7343 of 2023

1.Syed Vajeed
2.Basha Ali

.. Petitioners

Vs.

The State rep. by
The Inspector of Police,
Hosur Police Station,
Krishnagiri District.
(Crime No.39 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, pending investigation in Crime No.39 of 2023 on the file of the Inspector of Police, Hosur Police Station, Krishnagiri District.

For Petitioners : Mr.V.Jayaprakash

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

ORDER

1/6



WEB COPY

The petitioners, who were arrested for the alleged offences under Sections 147, 302 & 201 I.P.C., in Crime No.39 of 2023, on the file of the respondent police, seek bail.

2.The petitioners herein being the accused in Crime No.39 of 2023 registered for man missing case on 26.01.2023, later found to be murdered one Salman Khan. Sadiq Basha and two others suspected to be the accused and they were arrested on 28.01.2023. It appears that the daughter of Sadiq Basha had affairs with the deceased. Therefore, the honour killing has occurred, these two petitioners along with Sadiq Basha were arrested by the respondent police.

3. The learned counsel for the petitioners submitted that the 1st accused, Sadiq Basha was granted bail on 21.03.2023 on condition to report before the respondent police everyday at 10.30 a.m., and 5.30 p.m., until further orders. Hence, he prayed for grant of bail to the petitioners.



WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent states that investigation is yet to be completed and if the petitioners are released on bail, they may tamper the evidence.

5. However, the learned counsel for the petitioners states that it is only a circumstantial evidence, which has forced the police to arrest the petitioners. The petitioners are in custody for more than 60 days. They are ready to cooperate with the investigation and to abide by any stringent condition imposed.

6. In view of the above submissions and taking note of the fact that A1 has already granted bail on condition, this Court is of the view that the petitioners may be granted bail. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall execute 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 **Judicial Magistrate No.II, Hosur;**



WEB COPY

(b) 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;

(c) the petitioners are directed to report before the respondent police twice on everyday at 10.30 a.m., and 5.30 p.m., until further orders;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners 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.

03.04.2023

rpl

4/6



To

WEB COPY

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



WEB COPY



Dr.G.JAYACHANDRAN, J.

rpl

CRL.O.P.No.7343 of 2023

03.04.2023