



WEB COPY



Crl.O.P.No.8418 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8418 of 2023

Althaf Thasif

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Vandavasi South Police Station,
Tiruvannamalai District.
(Crime No.68 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner on bail in Crime No.68 of 2023 pending on
the file of the respondent.

For Petitioner : Mr.M.Mohamed Riyaz

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 07.04.2023 for the offences punishable under Sections 294(b),
341, 342, 363, 323, 395, 397, 506(i) of IPC @ 109, 294(b), 341, 342, 363,



Crl.O.P.No.8418 of 2023

323, 395, 397, 506(i) IPC in Crime No.68 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, who was working as a Branch Manager in APR Company is that on 24.03.2023 at 6.30 p.m., the Chief Manager Sathishkumar had instructed him to take a sum of Rs.16,55,140/- and pay the same at the Head Officer at Cheyyar and therefore, the defacto complainant received the said money from his office and when he was proceeding in his two wheeler in the Cheyyar Highways, the named accused had waylaid his vehicle, abused and assaulted him and tried to rob the money from him. Since, the defacto complainant refused to give the cash bag to them, the accused assaulted him and kidnapped in a car and when the car was proceeding near Arani Arunagiri Chatram, they had taken out some bundles of cash from the defacto complainant's cash bag. At that time, the night patrolling police were standing there and on seeing the police, the defacto complainant made noise from the car. When the police tried to stop the car, the accused left the cash bag and escaped from the car. Hence, the case.



Crl.O.P.No.8418 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that the petitioner is the owner of the APR Company and the defacto complainant had attempted to misappropriate money from the Company and therefore, the other employees viz., A1 to A7 prevented him from misappropriating the amount and thereby, he has given a false complaint, as if, A1 to A7 have snatched the money from him, at the instance of the petitioner. He further submitted that the name of the petitioner does not find place in the First Information Report and later, based on the statement recorded from the other accused, the petitioner has been implicated in this case. He further submitted that there is no bad antecedents against the petitioner. He reiterated that the money belongs to the petitioner. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in judicial custody from 07.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had instigated the other employees to snatch money which was in the custody of the defacto complainant and thereby, the accused waylaid the defacto complainant and



Crl.O.P.No.8418 of 2023

attempted to rob money from him. He further submitted that the offences have been committed only on the instigation of the petitioner and the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side 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** each for a like sum to the satisfaction of the **learned Judicial Magistrate at Vandavasi**, and on further conditions that:



Crl.O.P.No.8418 of 2023

[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;

[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.

19.04.2023

vkrr



WEB COPY



Crl.O.P.No.8418 of 2023

A.D.JAGADISH CHANDIRA.,J.

vkrr

To

- 1.The Judicial Magistrate at Vandavasi.
- 2.The Inspector of Police,
Vandavasi South Police Station,
Tiruvannamalai District.
- 3.The Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.8418 of 2023

19.04.2023