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Crl.O.P.No.13728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

Crl.O.P.No.13728 of 2023

1. Salam Gadi

2. Ripon Khan

3. Shaki

... Petitioners

Vs.

State, Rep. by

The Inspector of Police,

Palladam Police Station

Tiruppur District.

(Crime No.514 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioners in Crime No.514 of 2023 pending on
the file of the respondent police.

For Petitioners : Mr.M.Vijayaragavan

For Respondent : Mr. C.E.Pratap

Government Advocate (Crl. Side)



ORDER

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The petitioners, who were arrested and remanded to judicial custody on 16.05.2023 for the offence punishable under **Sections 342, 323, 324, 364A and 506(ii) IPC, in Crime No.514 of 2023** on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Mohamed Salam Hussen is that on 12.05.2023, the petitioners along with other accused, kidnapped the defacto complainant and by threatening, made him to transfer a sum of Rs.57,800/- and also snatched a gold ring (weighing 2 grams) and a Silver Bracelet from him. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would submit that the petitioners and the defacto complainant were working in a same company at Tiruppur and due to financial dispute, a false complaint has been given against them. He would further submit that the petitioners have been languishing in jail from 16.05.2023 and that the major part of investigation is completed. Hence, he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose for grant of bail to the petitioners stating that the petitioners along with other accused, abducted the defacto complainant and by threatening, made him to transfer a sum of Rs.57,800/- and also snatched a gold ring (weighing 2 grams) and a Silver Bracelet from him. He would further submit that the petitioners have been arrayed as A1 to A3. The 1st petitioner/A1 is a Bangladesh National and the 2nd petitioner/A2 hails from Andra Pradesh.

5. At this juncture, the learned counsel for the petitioners would submit that though the 1st petitioner is a Bangladesh National, his wife is living in Tiruppur and she is ready to stand as surety to the 1st petitioner and she is also ready to surrender the original passport of the 1st petitioner before the concerned Court.

6. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.



7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant of bail to the petitioners with certain conditions.

8. Accordingly, the 1st **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 surety shall be the wife of the 1st petitioner**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Palladam, Tiruppur District**, and;

the **petitioners 2 and 3** are ordered to be released on bail on their executing a separate 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, Palladam, Tiruppur District**, 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;



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[b] the petitioners shall report before the respondent police every day at 06.30 p.m. until further orders;

[c] the 1st petitioner shall produce his original passport before the concerned Magistrate at the time of executing the bail bond;

[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 Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Judicial Magistrate, Palladam,
Tiruppur District.
2. The Inspector of Police,
Palladam Police Station
Tiruppur District.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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