



WEB COPY



Crl.O.P.No.17442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17442 of 2023

1. Thafiq Basha @ Thoufeeq Basha

2. Mohammed Faiyaz @ Faiyaz

...Petitioners

Vs.

State Rep by, The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
(Crime No.307 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No. 307 of 2023 on the file of the Inspector of Police, Pernambut Police Station, Pernambut, Vellore District.

For Petitioner : Mr. G.Vinodhkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.17442 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.07.2023 for the offence punishable under Sections 364(A), IPC @ 364(A), 341, 147 IPC in Crime No.307 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.307 of 2023 for the offences punishable under Sections 364(A), 341, 147 IPC. Petitioners are innocents. Petitioners are in judicial custody from 02.07.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, defacto complainant borrowed a sum of Rs.50,000/- from the 5th accused namely Abdul Khar. Since the defacto complainant had not repaid the amount, at the instigation of the Abdul Khar, petitioners had abducted the defacto complainant in a car, during the mid night on 26.05.2023. Defacto complainant made arrangements to pay the money



Crl.O.P.No.17442 of 2023

through a known person, only thereafter, defacto complainant was permitted to go. Thus, he prays for dismissal of this petition.

4. Considering the nature of the facts and circumstances of this case and that petitioners are in judicial custody from 02.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners with conditions and the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate at Gudiyatham** 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 petitioners shall report before the respondent police daily morning at 10.30 a.m., until further orders.



Crl.O.P.No.17442 of 2023

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

18.08.2023

gd



WEB COPY



Crl.O.P.No.17442 of 2023

To

- 1.The Learned Judicial Magistrate,
Gudiyatham.
2. The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
- 3.The Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.17442 of 2023

G.CHANDRASEKHARAN. J.

gd

Crl.O.P.No.17442 of 2023

18.08.2023