



Crl.OP.No.21123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.21123 of 2023

Prasanth

...Petitioner

Vs.

The State Rep by
Inspector of Police,
H-8, Thiruvottiyur Police Station
(Crime No.553 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.553 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.08.2023 for the offences punishable under Sections 145, 341, 363 IPC read with Section 170 of IPC for the alleged offences under Sections 145, 341, 364A 506(ii) of IPC read with Section 170 of IPC in Crime No.553 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case registered in Crime No. 553 of 2023 for the offences under Sections 145, 341, 363 IPC read with Section 170 of IPC for the alleged offences under Sections 145, 341, 364A 506(ii) of IPC read with Section 170 of IPC. Petitioner is in judicial custody from 16.08.2023. Thus, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, though the defacto complainant alleged in the complaint that, her husband and one Jahufar Sathik are doing business in Pudupet Police Station; her husband introduced one Suhail Ahmed, relative of the defacto complainant's husband to Jahufar Sathik; they started business and



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suffered loss; On that account, for the loss suffered, stating that, defacto complainant's husband was responsible, he was kidnapped by the accused persons, the investigation revealed that, 1st accused in this case advanced a loan of Rs. 3 Crore to Suhail Ahmed. Suhail Ahmed, failed to return the money and had gone to Dubai. He was abducted by the men of the first accused in Dubai and asked Suhail Ahmed to repay the money. Suhail Ahmed, said to have informed that, money is with the defacto complainant's husband namely Sayd Wasim Akram. Therefore, accused in this case abducted the defacto complainant's husband on 16.08.2023 at about 08.45.a.m. After knowing the truth, he was let off by the accused in this case.

4. In the circumstances stated by the learned counsel appearing for the parties and the fact that, complaint lodged by the defacto complainant contains false allegations and the petitioner is in Judicial Custody from 16.08.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.



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5. Accordingly, the petitioner is ordered to be released on bail on their executing a 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 Thiruvottiyur** 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 daily at 10.00.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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

13.09.2023

Sma

To

1. Judicial Magistrate Thiruvottiyur
2. Inspector of Police,
H-8, Thiruvottiyur Police Station
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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