



Crl.O.P.No.26260 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.26260 of 2023

1.Abdul Azeez
2.Babulal
3.Nilobar
4.Raguram
5.Sameer

... Petitioners/Accused

Vs.

The State rep by
The Sub-inspector of Police,
Devarsholai Police Station,
The Nilgiris.

(Crime No.91 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners on bail in Crime No.91 of 2023
pending investigation on the file of the respondent police.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioners are A1 to A3, A8 & A9 in Crime No.91 of 2023, registered by the respondent police for the offences punishable under Sections 147, 448, 294(b), 506(1), 323 & 364A of IPC, seek bail. They had been taken into custody on 24.10.2023.

2.It is stated that four of the accused are still absconding namely A5, A6, A7 and A11.

3.The defacto complainant, had stated that her husband had received a sum of Rs.5,00,000/- from A1 for Rice Puller/Iridium business. Her husband failed to either give Iridium business or the money. Owing to this fact, all the accused had taken him away in a Sumo car. The said car was intercepted and some of the accused had been taken into custody but A11 had ran away.

4.It is stated that A4 and A9 had been granted bail.



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5.Taking into consideration all the factors and also the fact that the 1st accused had loss at Rs.5,00,000/-, I am inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Gudalur, 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 the respondent police everyday at 10.30 a.m., until further orders.

[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.



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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 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.

20.11.2023

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To

- 1.The Judicial Magistrate, Gudalur.
- 2.The Sub-jail, Gudalur.
- 3.The Sub-inspector of Police,
Devarsholai Police Station,
The Nilgiris.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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