



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9784 of 2023

Abdul Gafoor

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Government Hospital Police Station,
Trichy City
(Crime No.293 of 2023).

... Respondent/Complainant

For Petitioner : M/s.C.Suresh Kannan, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.293 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 04.04.2023 for the offences punishable under Sections 143, 294(b), 341, 364(A), 397 and 506(ii) of IPC in Crime No.293 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.04.2023 at 01.45 a.m., when the de-facto complainant and others were coming in the car, some persons came with deadly weapons in a car and two wheelers, waylaid the car of the de-facto complainant and threatened them with weapons and asked to give the money and jewels and they also attacked the de-facto complainant's brother with aruval and kidnapped him and the de-facto complainant and others chased one accused and he fell down and sustained injuries and he was caught by them. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.



4.It is seen that there are 11 accused involved in the case, in which, the petitioner is arrayed as A4. When the de-facto complainant was returning from abroad, the petitioner and other accused kidnapped the de-facto complainant's brother and robbed a sum of Rs.3,00,000/- and 20 grams of jewels. Insofar as the petitioner is concerned, he had no previous case and the other accused are already arrested and remanded to judicial custody. The petitioner is in judicial custody from 04.04.2023 onwards.

5.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichy, Trichy District, and on further conditions that:

[b] 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.

[c] the petitioner shall stay at Nagercoil and report before the Inspector of Police, Vadasery Police Station, Nagercoil daily at 10.30 a.m., and 05.30 p.m. for a period of four weeks and thereafter, report before the respondent police daily at 10.30 A.M. for a period of four weeks and thereafter, report before the respondent police as and when required for interrogation;

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

06/06/2023

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06/06/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, TRICHY.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE, GOVERNMENT HOSPITAL POLICE STATION, TRICHY CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
NAGERCOIL.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-8084[I] dated 06/06/2023)

ORDER

IN

CRL OP(MD) No.9784 of 2023

Date :06/06/2023

RS/VR/SAR-(06.06.2023) 3P 8C