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SLP(Crl.)No. 4638 OF 2004

ITEM No.34

Court No. 8

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 4638/2004
(From the judgement and order dated 13/07/2004 in CRLOP 24393/04
of The HIGH COURT OF MADRAS)

RAFEEK @ KUDOOR RAFEEK AHAMED

Petitioner (s)

VERSUS

STATE OF TAMIL NADU
(With Appln(s). for stay)With Office Report)

Respondent (s)

Date : 05/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner (s)Mr. V. Krishna Murthy,Adv.

For Respondent (s)Mr.Subramonium Prasad, Adv.
Mr. Gopalakrishnan, Adv.
Mr. Abhay Kumar, Adv.
Mr. Rahul, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Mr. Subramonium Prasad, learned counsel appearing for the State of Tamil Nadu states that he is authorised to appear in the matter and he would be filing the Vakalatnama on the reopening day after Diwali holidays i.e. 16.11.2004.

Having regard to the facts and circumstances, we are inclined to release the appellant on bail on condition of his executing a bond for Rs. 10,000/- and a surety for the like sum to the satisfaction of the Additional Chief Judicial Magistrate, Egmore, Chennai. The appellant shall report once in a fortnight to the concerned police station.

The appeal stands disposed of in terms of the signed order place on the file.

(Meenu Sethi)
Court Master

(Promila Nagpal)
Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1275/2004

(Arising out of SLP(Crl.) No. 4638/2004)

Rafeek @ Kudoor Rafeek Ahamed

...
Appellant

VERSUS

State of Tamil Nadu

...
Respondent

O R D E R

Leave granted.

Mr. Subramonium Prasad, learned counsel appearing for the State of Tamil Nadu states that he is authorised to appear in the matter and he would be filing the Vakalatnama on the reopening day after Diwali holidays i.e. 16.11.2004.

Heard learned counsel for the parties. It is stated that the appellant has been in jail since the month of June, 2004. He further states that the appellant is prepared to deposit a sum of Rs.50,000/- by way of demand draft. It is also brought to our notice by the learned counsel that going by the averments in the complaint lodged with the police, only an amount of Rs.45,000/- has been received by the appellant. The High Court has directed to deposit a sum of Rs. 3 lakhs as a condition of granting bail. Learned counsel for the appellant has brought two demand drafts amounting to Rs.50,000/- drawn in favour of Chief Metropolitan Magistrate, Egmore, Chennai. The

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demand drafts have been handed over to the Court Officer with a Memo. The same shall be transmitted by the Registry to the Chief Metropolitan Magistrate, Egmore, Chennai.

Having regard to the facts and circumstances, we are inclined to release the appellant on bail on condition of his executing a bond for Rs. 10,000/- and a surety for the like sum to the satisfaction of the Additional Chief Metropolitan Magistrate, Egmore, Chennai. The appellant shall report once in a fortnight to the concerned police station.

The appeal stands disposed of accordingly in modification of the order of the High Court.

(P.VENKATARAMA REDDI)J.

.....J.
(A.K.MATHUR)
New Delhi,
November 5, 2004.