

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11407 of 2020

Udayakumar @ Kopparai

... Petitioner

- Vs -

State by

The Inspector of Police
Adambakkam Police Station,
Chennai.

(Crime No.757 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.757 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.T.Shanmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 29.05.2020 for the offences punishable under Sections 147, 148, 294(b), 341, 323, 364 and 307 of IPC, in Crime No.757 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.05.2020 at about 15.30 hours, the respondent police recorded the confession statement of the accused namely Surya, S/o.Nagaraj, with regard to the S-8 Adambakkam Crime No.17 of 2020 U/s 8(c) r/w 17(a) 21(a), 22(a) of NDPS Act, 1985, in which, he stated that he along with his associates namely Arunkumar @ Pinki, Paulraj @ Paul, Vinoth @ Eli Vinoth, Viswa, Jeeva @ Jeevarathinam and Elango had illegally sold drugs tablets and used the said money for their joyful life. While so, on 23.01.2020 the police arrested his associates and the said Surya absconding and on 23.05.2020 at about 12.00 p.m when Surya was sitting near one Udayakumar @ Kopparai's house, one Udayakumar @ Oosi [A2] and Karthick [A3] came there and informed him that one Robin[A1] called him, but Surya refused the same, immediately, the above said two accused persons kidnapped Surya in black colour Dio Motor cycle bearing Registration No.TN-14-V-7374 and taken him to Balaji Nagar, Pallikaranai and as per the phone instruction from Robin, they abused Surya in filthy language and assaulted him with hands. At that time,

the Surya tried to escape from the said spot after giving Rs.1000/- and one pad drugs tablet to them. At the same time, the other accused persons namely Jai [A5], Kutti @ Kuralarasan [A6], Kozhikal Rajesh [A8], Nagoor Meeran [A4] and others unlawfully assembled in the said scene of occurrence with deadly weapons and rounded the said Suriya and all of them attacked Suriya with wooden log and knife on his body. Due to that attack, Suriya became unconscious, immediately, he was taken to nearby private hospital by his mother. Hence, this complaint.

3. The learned counsel for the petitioner would submit that the name of the petitioner does not find a place in the FIR and that he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is a notorious rowdy element and the de facto complainant is a drug peddler and that the petitioner and other accused had kidnapped him for a ransom and have taken amount from him and thereafter, assaulted him. Fearing registration of the case against him, since the de facto complainant himself is a drug peddler, he had not given the complaint and thereafter, on information, the respondent police found that the de facto complainant was kidnapped and assaulted, registered a case. He would submit that the respondent has also filed the counter affidavit. He would submit that there are 20 previous cases pending against the petitioner before various stations in Chennai South Zone and that if the petitioner is granted bail, he will interfere with the investigation and also threaten the witnesses.

5. Taking into consideration the facts and circumstances of the case and the submissions made by either side, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

सत्यमेव जयते
-sd/-
05/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

2 THE INSPECTOR OF POLICE,
ADAMBAKKAM POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

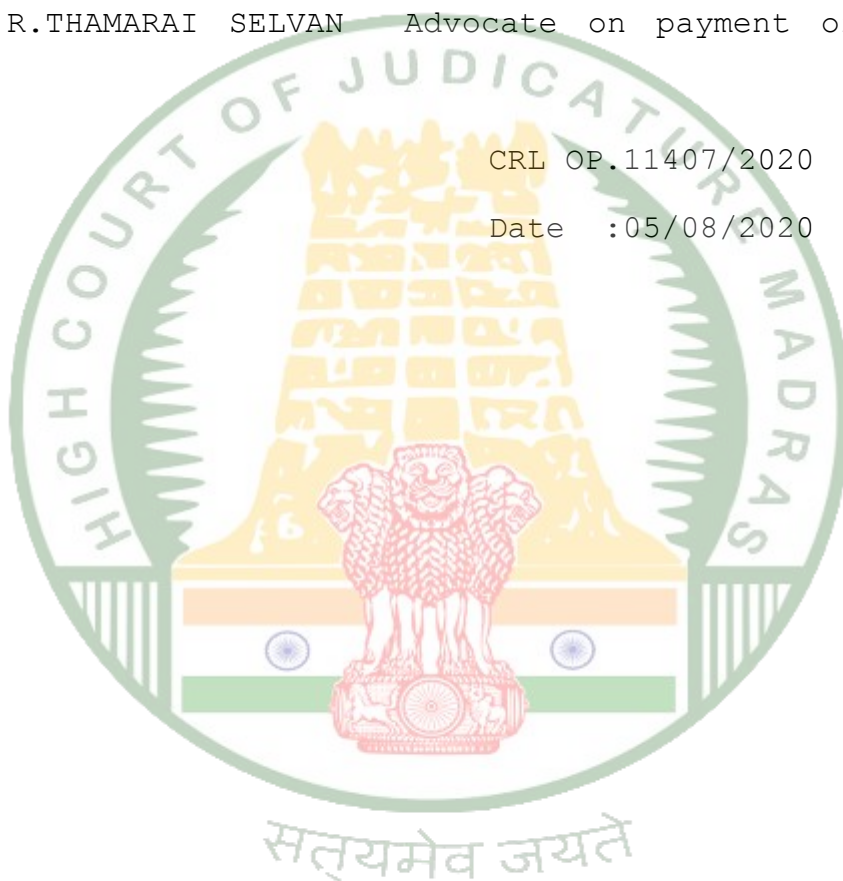
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to R.THAMARAI SELVAN Advocate on payment of necessary
charges

CRL OP.11407/2020

Date :05/08/2020

RVR 11/09/2020



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