

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

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

CRL.O.P.No.14684 of 2020

K.Baskar

... Petitioner/1st Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
SIPCOT Police Station,
Vellore District.
Crime No.553 of 2020.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.553 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Ravikumar

For Respondent : Ms.S.Thankira

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.09.2020 for the offence punishable under **Sections 143, 294(b), 427, 447, 506(1) of IPC and Section 3 of TN Public Property (Prevention of Damage& Loss) Act, 1992, in Crime No.553 of 2020**, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Dinesh Babu is that he is working as a Project Manager of RGN Construction Company, Hosur and that he was given a contract to put up a structure the industrial estate and that on 11.08.2020, they had started operations. At that time four persons had come there in two wheelers and they had threatened the defacto complainant saying that other nobody else other than them should take contract within the industrial area and gone. Thereafter, on 17.08.2020, some persons had broke open the container and caused damage to the construction materials which were stored in the container, worth Rs.2,50,000/- and also damaged the bore and they have also threatened workman. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is a contractor by profession and that he has been falsely implicated in this case and that he has been arrested by the respondent police based on the false complaint given out of business and political rivalry. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed on him by this Court. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Criminal Side) would oppose stating that the petitioner is involved in several previous cases of similar in nature. The petitioner and his associates are notorious elements and they would not allow any body else to take contract within the industrial area and they used to threaten and extort money from other persons who have taken contract within the area. He would further submit that steps are being taken by the respondent to detain the petitioner under Act 14 of 1982, thereby, she vehemently opposed for grant of bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner was arrested on 08.09.2020 and he is in custody. Though it was submitted by the respondent before the Sessions Court that steps are taken to detain the petitioner under Act 14 of 1982, till date no action has been taken by the respondent. He would further submit without prejudice to his contention and defence, the petitioner is prepared to deposit a sum of Rs.2,50,000/- to the credit of Cr.No.553 of 2020 and the petitioner also does not have any objection in an amount of Rs.1lakh being returned to the defacto complainant Company. He would submit that the petitioner is also prepared to stay elsewhere. He would further submit that case has been registered only due to business rivalry and political animosity.

6 Taking into consideration of the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioner from 08.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.2,50,000/- to the credit of Cr.No.553 of 2020 and thereafter the petitioner is ordered to be released on bail on condition to execute 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, Ranipet,** and on further conditions that;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) out of the deposit of Rs.2,50,000/- made by the petitioner the defacto complainant company is permitted to withdraw a sum of Rs.1,00,000/- on filing of proper application.

(d) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(e) the petitioner shall stay at Trichy and report before the Cantontment Police Station every day at 10.30 a.m., and 05.30 p.m., until further orders.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7 With the above directions, this Criminal Original Petition is ordered.

-sd/-
29/09/2020

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

1 THE JUDICIAL MAGISTRATE,
RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE JAILER,
SUBJAIL, WALLAJAPET, VELLORE.

7 THE OFFICER INCHARGE
CANTONMENT POLICE STATION
TRICHY.

CC to M/S. G.RAVIKUMAR Advocate on payment of necessary
charges

CRL OP.14684/2020

Date :29/09/2020

TA-01/10/2020