

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

CORAM :

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

CRL.O.P.No.16270 of 2020

1.S.Jayaseelan
2.S.Anandaraj

... Petitioners

Vs.

State rep. Inspector of Police,
S-7, Madipakkam Police Station,
St. Thomas Mount, Chennai.
(Crime No.926/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.926 of 2020 on the file of the respondent.

For Petitioners : Mr.C.D.Sugumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 07.09.2020 for the offences punishable under **Sections 341, 392, 352, 506(ii) read with Section 109 of IPC, in Crime No.926 of 2020** on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Bakthavachalam is that on 02.09.2020 at 10.20 p.m., he was returning back to his house from his real estate office. While he was going along Subramaniam Nagar 2nd main road, two persons who came in a Sumo car, stopped him and compelled him to come to Nanganallur Park to discuss about a land. When he refused to come, they pushed him down due to which, he sustained injury.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners and the defacto complainant are known to each other and due to land dispute, a false complaint has been given against the petitioners. He would further submit that the petitioners have been suffering incarceration from 07.09.2020. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners attempted to kidnap the defacto complainant. When he refused to go along with them, they pushed him down due to which, he sustained injury on his head.

5. Heard the learned Counsels on both sides and perused the F.I.R.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a 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 **learned Judicial Magistrate-II, Alandur, Chennai,** 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) **the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.**

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 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];

(h) 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/-
13/10/2020

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 NO.II,
ALANDUR, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-7, MADIPAKKAM POLICE STATION,
ST. THOMAS MOUNT, CHENNAI.

+1CC to M/S. C.D.SUGUMAR Advocate on payment of necessary charges SR NO.6839

CRL OP.16270/2020

Date :13/10/2020

MK:14/10/2020

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