

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

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

CRL.O.P.No.16390 of 2020

P.Krishnapandi

... Petitioner

Vs.

The State of Tamil nadu,
Rep.by the Inspector of Police,
Madipakkam Police Station,
Chennai.
(Crime No.926/2020)

... Respondent

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

For Petitioner : Mr.C.K.M.Appaji

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 05.09.2020 for the offences punishable under Sections 341, 392, 352, 506(ii) r/w 109 of IPC, in Crime No.926 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Bakthavachalam is that on 02.09.2020 at 10.20 p.m., while he was returning back from his real estate office and nearing Subramaniam Nagar II Main Road, two persons who came in a Sumo car, waylaid him and compelled him to come to Nanganallur Park to discuss about a land. When the same was refused, they pushed him down, thereby, he sustained injury on his head.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant are known to each other and due to land dispute, a false complaint has been given against the petitioner. He would further submit that the allegation against this petitioner is that he has instigated other accused to commit the crime. He would further submit that the co-accused who are also similarly placed have been granted bail by this Court vide order dated 13.10.2020 in Crl.O.P.No.16270 of 2020. He would further submit that the petitioner has been suffering incarceration from 05.09.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with other accused attempted to kidnap the defacto complainant. When the defacto complainant refused to go with them, they pushed him down, due to which, he sustained injury on the head. He would further submit that the other accused who are also similarly placed are granted bail by this Court vide order dated 13.10.2020 in Crl.O.P.No.16270 of 2020.

5. Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

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 petitioner from 05.09.2020, 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 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 petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

(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.

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

-sd/-

15/10/2020

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 CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADIPAKKAM POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S C.K.M. APPAJI Advocate on payment of necessary charges
Sr. 6942

CRL OP. 16390/2020

Date : 15/10/2020

RVR 16/10/2020

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