

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

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

CRL.O.P.No.19353 of 2020

Prakash @ Dance Prakash

... Petitioner

Vs.

State Rep. By:

... Respondent

The Inspector of Police,
Ammamet Police Station,
Salem.

(Crime No.1234 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1234 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Rajanikanth

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.11.2020 for the offences punishable under Section 294 (b), 506(ii) of IPC and Section 3(1) of TNPPDL Act in Crime No.1234 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute, the petitioner along with other accused abused the *de facto* complainant with filthy language and threatened him with dire consequences and also damaged the car of the *de facto* complainant.

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 was arrested on 16.11.2020. He would further submit that the petitioner has no previous case against him. 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 abused the *de facto* complainant with filthy language and threatened him with dire consequences and also caused damage to the *de facto* complainant's car to the value of Rs.30,000/-.

5. Taking into consideration 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, 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-V, Salem, 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 every day 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.

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

-sd/-

08/12/2020

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-V,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION, SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.19353/2020

Date :08/12/2020

MN-09/12/2020

WEB COPY