

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.19430 of 2020

Rameshkumar

... Petitioner

Vs.

The State Rep. By:
Inspector of Police,
Kundadam Police Station,
Tiruppur District.
(Crime No.1097 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1097 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

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 09.10.2020 for the offences punishable under Sections 420, 294(b), 324 and 506(ii) of IPC in Crime No.1097 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant Siriyapushpamery is that she is working under Onion Merchant. Pandi and this petitioner and his brother Karthi purchased onions by paying a sum of Rs.10,00,000/- and withheld the amount of Rs.13,00,000/-. On 08.10.2020 the *de facto* complainant and her brother went to the office of the petitioner to receive the balance amount of Rs.13,00,000/-. At that time, A1 abused the *de facto* complainant and her brother and attacked her. Thereafter, A1 get into the vehicle of the *de facto* complainant and driven the vehicle and attacked them with stones.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given due to business rivalry. He would submit that on the complaint given by the petitioner, a case in Crime No.1096 of 2020

has been registered against the *de facto* complainant and her associates. The allegation in Crime No.1096 of 2020 is that the *de facto* complainant kidnapped the petitioner's brother Karthi and demanded ransom amount of Rs.7,00,000/-. He would submit that in the counter complaint, the associates of the *de facto* complainant have been enlarged on bail. 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 *de facto* complainant supplied onions to the petitioner and that there was a due of Rs.13,00,000/- and the petitioner was evading payment, when the *de facto* complainant demanded money, the petitioner and A1 have threatened her and thereafter, forcibly taken the vehicle.

5. Heard the learned counsel on either side and perused the materials available on record.

6. 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-I, Coimbatore, 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. for a period of two weeks and thereafter, every Monday 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/-

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-I,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.19430/2020

Date :08/12/2020

MN-09/12/2020