

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

Crl.O.P.No.20923 of 2020

Prem @ Premkumar

... Petitioner

- Vs. -

The Inspector of Police,
Vengal Police Station,
Tiruvallur District.
(Crime No.2163 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in connection with the Crime No.2163 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.M.R.Senthilkumar

For Respondent : Mr.K.Madhan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who were arrested and remanded to judicial custody on 03.11.2020 for the offences punishable under Sections 147, 148, 294(b), 307 and 506 (ii) of the Indian Penal Code, 1860, in Crime No.2163 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner is residing at Kizhanur Village. There is a company named Indo Space running at Vishnuvakkam Village and the said company appointed a contractor namely KEC to fill up mud in the construction work and thereby one Geetha Mohan, who is the Village President, got the job in the name of Kedemanery Enterprises and that the defacto complainant is doing filling mud over the construction work by transporting soil/mud from the Government approved quarry. In this circumstances, one Prem viz., the petitioner threatened the defacto complainant to change the job to one SMG Srinivasan. When he refused to do the same, the petitioner along with some unknown persons have threatened the defacto complainant with knife and scolded him with dire consequences.

3. the learned counsel for the petitioner would submit that the petitioner is an innocent person and there is no injury to anybody and the petitioner's wife is a Panchayat Board President. The occurrence took place on 30.11.2020 whereas the FIR has been registered with delay only on 04.12.2020 which shows a false case has been registered as against the petitioner. Hence, he prays to grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there are ten accused involved in this case and the petitioner is arrayed as A1 and there is no injury to anybody. The learned Government Advocate would submit that there are 20 previous cases pending as against the petitioner. Hence, he opposed to grant of bail to the petitioner.

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

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioner in the judicial custody, 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Tiruvallur**, 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 on his release from prison 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/-
30/12/2020

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,
NO.I, THIRUVALLUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
TIRUVALLUR DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI.

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

CRL OP.20923/2020

Date :30/12/2020

MN-31/12/2020