

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.21 of 2021

Rama Subramaniyan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
T4, Maduravoyil Police Station,
Chennai.
(Crime No.1588 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.1588 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr. R.Thamarai Selvan

For Respondent : Mr.M. Prabhavathy,
APP

O R D E R

(The case has been heard through video conference)

Totally there are 7 accused and the petitioner is A1, who was arrested and remanded to judicial custody on 03.12.2020 for the offences punishable under Sections 143, 294(b), 323, 342, 384, 417, 170, 506(i) of IPC in Crime No.1588 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.12.2020, the petitioner, who is the known person to the defacto complainant, along with other accused trespassed into the house of the defacto complainant, and posed them as CBI officers and demanded a sum of Rs.10 Crores, otherwise they will foist a case against him for idol theft, and also confined him. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are known to each other. There is a money dispute between them and when the petitioner demanded money from the defacto complainant, a false case has been filed

against him. He has also stated that co-accused A2 to A5 released on bail by the Trial Court and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused, posing themselves as CBI officers, demanded a sum of Rs.10 Crores from the defacto complainant and wrongfully confined him in his house. She would further submit that one of the accused/A7, is still absconding. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that the petitioner and the defacto complainant are known to each other and co-accused were already released on bail and taking note of the period of incarceration, 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, Poonamallee, 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 appear before the respondent police daily 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/-
07/01/2021

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHLA.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
T4, MADURAVOYIL POLICE STATION,
CHENNAI.

+1 CC to M/S.R.THAMARAI SELVAN Advocate on payment of necessary charges SR.No.179

सत्यमेव जयते

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CRL OP.21/2021

Date :07/01/2021

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