

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1269 of 2021

Mohan Kumar

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Kolathur Police Station,
Salem District.
Cr.No.605 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.605 of 2020 on the file of the respondent police.

For Petitioner : Mr. S. Doraisamy

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 04.01.2021 for the offence punishable under Sections 147, 342, 294(b), 397 and 506(ii) of IPC in Crime No.605 of 2020, seeks bail.

2. Totally, there are 4 accused and the petitioner is arrayed as A4. The case of the prosecution is that there was civil dispute between A1 and the defacto complainant with regard to purchase of property. Hence, at the instigation of A1, all the other accused including the petitioner trespassed into the house of the defacto complainant and threatened him and also get signature from the defacto complainant in blank papers and snatched a sum of Rs.10,000/- and thereafter, they took the defacto complainant in the car and dropped him in a far away place. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. A1, who is the main accused in this case has already been released on bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was motive between A1 and the defacto complainant, and hence, A1 along with other accused trespassed into the house of the defacto complainant and threatened the defacto complainant to settle the issue with A1. She would further submit that A1 has been arrested and released on bail. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that the main accused is arrested and released on bail 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-1, Mettur, 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 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 petitioners 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/-

26/02/2021

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.I, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S. S.DORAISAMY Advocate on payment of necessary charges
SR.2464

CRL OP.1269/2021

Date :26/02/2021

RVR 01/03/2021

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