

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4344 of 2021

Kalesha @ Vappa

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
T-3, Korattur Police Station,  
Tiruvallur Dt.  
(Crime No.152 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.152 of 2021 on the file of respondent police.

For Petitioner : Mr.M.Manikandan

For Respondent : Mrs.M. Prabhavathi,  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

Totally, there are 5 accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 11.02.2021 for the offence punishable under Sections 147, 148, 341, 294(b), 323, 364, 506(ii) of I.P.C., in Crime No.152 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner and one Ramesh, who is arrayed as A4 are partners and they are doing some illegal business, to whom, the defacto complainant was working as a driver. Since A4 failed to pay salary, he has abused A4 and asked him to pay salary, and he has threatened that he will inform the police about the illegal business and also agitated for the same. Hence, all the accused person said to have abducted the defacto complainant and also threatened him. Accordingly, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 11.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the main allegation is made only against A4. He would

submit that the petitioner is only a partner and there is no specific overtact attributed against the petitioner. He would submit that he is an innocent person and he is no way connected with the offence. He would also submit that the petitioner is in jail from 11.02.2021 and the investigation is almost completed. Hence, he prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that except the petitioner, the other accused are absconding. She would submit that the petitioner along with other accused Ramesh attacked the defacto complainant and detained him in a room and now, only he was secured. Hence, a criminal case has been registered against the petitioner and he was arrested on 11.02.2021. She would submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that, the main allegation is made only against A4, the petitioner is only a partner, there is no specific overtact attributed against the petitioner, there is no previous antecedents against the petitioner and also considering the fact that the period of incarceration suffered by the petitioner from 11.02.2021, 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, Ambattur, Tiruvallur Dt, 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, after his release from prison, 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 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/-  
04/03/2021

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,  
AMBATTUR, TIRUVALLUR DISTRICT.

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

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
T-3, KORATTUR POLICE STATION,  
TIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.M.MANIKANDAN Advocate on payment of necessary charges SR NO. 2732

CRL OP.4344/2021

Date :04/03/2021