



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4368 of 2021

Anandadoss

... Petitioner

Vs.

State Rep. by
The Station House Officer,
Virudhachalam Police Station,
Cuddalore Dt.
(Crime No.83 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.83 of 2021 on the file of respondent police.

For Petitioner : Mr.M.Selvam

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 30.01.2021 for the offence punishable under Sections 294(b), 420 and 506(ii) of I.P.C., in Crime No.83 of 2021, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter, a married lady, said to have illicit intimacy with the petitioner and he has received 3 ½ sovereigns of gold jewels from her. When he asked to return the same, the petitioner has threatened the defacto complainant and also criminally intimidated him. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 30.01.2021. Now, this petition has been filed seeking for bail.



3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the offence. He would also submit that the investigation is almost completed and he is in jail from 30.01.2021. 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 the petitioner had received 3 ½ sovereigns of gold from the defacto complainant's daughter. She would submit that when he demanded to return it, the petitioner has failed to return the same and also attacked him and criminally intimidated him. Hence, the complaint has been registered and he was arrested on 30.01.2021. 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, now the investigation is almost completed, there is no previous antecedents against the petitioner and also considering the fact that the period of incarceration suffered by the petitioner from 30.01.2021, 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-I, Virudhachalam, Cuddalore 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 as and when required for interrogation;

(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/-

05/03/2021

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,
NO.I, VIUDHACHALAM,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.No.2820

CRL OP.4368/2021

Date :05/03/2021

cs 08/03/2021