

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5665 of 2021

Prabhu

... Petitioner

Vs.

State rep by
Inspector of Police,
Korattur Police Station,
Chennai District.
Cr.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 connection with Crime No.152 of 2021, on the file of the respondent.

For Petitioner : Mr.A. Tamil vanan

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

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 IPC in Crime No.152 of 2021, seeks bail.

2. Totally there are four accused in this case and the petitioner herein is A2. The allegation is that the defacto complainant was working as a driver under A2, and there was salary dispute between them, due to which, the petitioner abducted the defacto complainant and he along with other accused said to have attacked the defacto complainant and caused serious injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the overtact was only attributed to A4 in this case, and the allegation with regard to this petitioner is that since the salary to the

petitioner was not disbursed, he demanded to pay the salary. Now the injured in this case has been discharged from the hospital. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that at the instigation of A4 all the petitioners abducted the defacto complainant and abused him and criminally intimidated him. He would further submit that all the co-accused were arrested and released on bail. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that the injured discharged from the hospital and the co-accused were 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, Ambattur 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/-
22/03/2021

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.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORATTUR POLICE STATION,
CHENNAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

+1 CC to M/S.A.TAMILVANAN Advocate on payment of necessary charges
SR.NO.3809.

सत्यमेव जयते

CRL OP.5665/2021

Date :22/03/2021

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