

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5388 of 2021

Praveen

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thiruvannamalai Taluk Police Station,
(Crime No.107 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.107 of 2021 on the file of Respondent police.

For Petitioner : Mr.T.Shanmugam

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.02.2021 for the offence punishable under Sections 294(b), 342, 364(A), 506(i) of I.P.C. in Crime No.107 of 2021 on the file of respondent police, seeks bail.

2. The petitioner is arrayed as A3. The case of the prosecution is that the defacto complainant's brother has received money from A1 and A2 on the guise of securing employment. Hence, earlier, a complaint has been given and they were arrested. Thereafter, the petitioner and others said to have demanded money from him and when he refused to give, they said to have criminally intimidated him. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 24.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the defacto complainant's brother has received money on the guise of getting job. When they have demanded money, there is a wordy quarrel. The petitioner is innocent person and he has been falsely implicated in this case. He would submit that he is in jail from 24.02.2021. Co-accused in this case were already released on bail. Therefore, he

prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to money dispute, there is a wordy quarrel between the parties when the petitioner and other accused demanded money from the defacto complainant. She would submit that the investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that due to money dispute, there was a wordy quarrel between the parties, investigation is almost completed and co-accused in this case were already 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 No.2, Thiruvannamalai 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 petitioners, after their release from prison, shall 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/-
18/03/2021

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.2,
THIRUVANNAMALAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
THIRUVANNAMALAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.T.SHANMUGAM Advocate on payment of necessary
charges SR NO. 3596

WEB COPY

CRL OP.5388/2021

Date :18/03/2021

MN-19/03/2021