

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5628 of 2021

Poongathiravan

... Petitioner

Vs.

State rep. by
Sub-Inspector of Police,
Polur Police Station,
Tiruvannamalai Dt.
(Crime No.136/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.136 of 2021 on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A6. The petitioner, who was arrested and remanded to judicial custody on 08.03.2021 for the offence punishable under Sections 147, 148, 364, 294(b), 307 r/w 149 of I.P.C., in Crime No.136 of 2021, seeks bail.

2. The case of the prosecution is that the defacto complainant in this case has received money from the petitioner and other 40 persons on the guise of getting job to the tune of more than Rs.1 crore, but failed to do so and cheated the petitioner and other victims. In these circumstances, the petitioner and all the accused have called the defacto complainant and demanded money, and there was a wordy quarrel, in which, the petitioner has attacked the defacto complainant. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 08.03.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that

the defacto complainant has cheated the petitioner and other persons to the tune of Rs.1 crore and when he demanded money, a false complaint has been given against him. He would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is in jail from 08.03.2021 and the injured was also discharged from hospital. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused abducted the defacto complainant for demanding money and attacked him. She would submit that now the investigation is almost completed and the injured was also discharged from the hospital. Hence, she opposed to grant bail to the petitioner.

5. On perusal of records, it could be seen that the defacto complainant said to have cheated the petitioner and all the accused to the tune of Rs.1 crore. The petitioner being a victim, called the defacto complainant and demanded money, wherein there was a wordy quarrel, the injured also discharged from the hospital and now the investigation is almost completed and also considering the period of incarceration suffered by the petitioner from 08.03.2021, 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, Polur, 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, 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/-
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,
POLUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
POLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.3767.

CRL OP.5628/2021

Date :22/03/2021

EP-23/03/2021