

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5712 of 2021

1. Ramasamy
2. Selvamuthu
3. Ezhilarasan
4. Haridass

... Petitioners

Vs.

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

... Respondent

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

For Petitioners : Mr. B. Jawahar

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

O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioners are arrayed as A1 to A4. The petitioners, who were arrested and remanded to judicial custody on 05.03.2021 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 petitioners and other persons under the guise of getting job to the tune of more than Rs.1 crore, but failed to do so and cheated the petitioners and other victims. In these circumstances, the petitioners and other the accused have called the defacto complainant and demanded money, and there was a wordy quarrel, in which, the petitioners along with other accused had attacked the defacto complainant. Hence, a criminal case has been registered, and the petitioners were arrested and remanded to judicial custody on 05.03.2021. Now, this petition has been filed seeking

3. The learned counsel appearing for petitioners would submit that the defacto complainant has cheated the petitioners and other persons to the tune of Rs.1 crore and when they demanded money, a false complaint has been given against them. He would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners are in jail from 05.03.2021 and the injured was also discharged from hospital. He would further submit that co-accused in this case was already released on bail. Hence, he prayed to grant bail to the petitioners.

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. co-accused in this case was already released on bail. However, she opposed to grant bail to the petitioners.

5. On perusal of records, it could be seen that the defacto complainant said to have cheated the petitioners and all the accused to the tune of Rs.1 crore. The petitioners, being victims, called the defacto complainant and demanded money, wherein there was a wordy quarrel, in which the occurrence had taken place.

6. Considering the above facts and circumstances of the case and the fact that investigation is almost completed and injured has been discharged from the hospital and also the fact that co-accused in this case has already been released on bail and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners, after their release from prison, shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-  
23/03/2021

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  
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
POLUR POLICE STATION,  
POLUR, TIRUVANNAMALAI DISTRICT.

CC to M/S. B.JAWAHAR Advocate on payment of necessary  
charges

CRL OP.5712/2021

Date :23/03/2021

MK:24/03/2021



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