

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6030 of 2021

Veerappan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.48 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.48 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Subash

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.02.2021 for the offence punishable under Sections 147, 448, 323, 365, 342, 379 and 506(ii) of I.P.C., in Crime No.48 of 2020, seeks bail.

2. The case of the prosecution is that the defacto complainant is a lady and there is a dispute between her and her husband. The petitioner on the guise of helping them received a sum of Rs.20,000/- on 08.09.2020 as fees payable to a lawyer. However, he has paid only a sum of Rs.6000/- and he has taken the remaining amount of Rs.14,000/- with him. Hence, a criminal case has been registered against him and the petitioner was arrested and remanded to judicial custody on 17.02.2021. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that the occurrence taken place in the year 2020. He would submit that he is an innocent person, and he has been falsely implicated in this case. Now, he is in jail for 42 days and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the occurrence said to have taken place in the year 2020. He would submit that the petitioner has received a sum of Rs.20,000/- towards fees payable to the lawyer, and he has paid only a sum of Rs.6000/-. Now, the investigation is almost completed, the final report has been filed and a matter was has been taken cognizance. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances, the occurrence taken place in the year 2020, investigation has been completed, final report has been filed and the matter was taken cognizance and also considering the period of incarceration suffered by the petitioner from 17.02.2021, 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 his executing 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.I, Mettur, 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, on 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
31/03/2021

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, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.NO. 4346

CRL OP.6030/2021

सत्यमेव जयते Date :31/03/2021

rvr 01/04/2021

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