

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.6761 of 2021

Sonachalam @ Balaji

... 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.J. Katheer Hussain

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

O R D E R

(The case has been heard through video conference)

The petitioner, who is arrayed as A4 in the present case 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 case of the prosecution is that the defacto complainant's brother had received money from the petitioner under the guise of securing employment. Earlier, a complaint was given and they were arrested. Thereafter, the petitioner and others are said to have demanded money from the defacto complainant, who refused to give the money and, therefore, the petitioner along with the other persons is said to have criminally intimidated him. Hence, a criminal case was registered leading to the arrest of the petitioner and others and they were remanded to judicial custody on 24.02.2021. Now, this petition has been filed by A-4 in the said case seeking for bail.

3. The learned counsel appearing for petitioner submits that the defacto complainant's brother was involved in job racketing and he had received money from the petitioner and others and when they demanded the money, there ensued a wordy quarrel and pursuant to the same, the complaint had been lodged against the petitioner and other persons. It is the further submission of the learned counsel that the petitioner and others have been falsely implicated in the case and that they are innocent persons and that they were arrested on 24.02.2021 and they are in jail for more than a month and a half. Therefore, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that due to money dispute, there was a wordy quarrel between the parties in which the petitioner and others had demanded money from the defacto complainant. She would submit that the investigation is almost completed.

5. Taking into consideration of the fact that there was a wordy quarrel pursuant to a money dispute between the parties and that investigation is also at the stage of completion and the further fact that the petitioner has been under incarceration for more than a month and a half and the co-accused also having been granted bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Thiruvannamalai and on further conditions that:

(a) 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;

(b) the petitioner, after their release from prison, shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/04/2021

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.II, THIRUVANNAMALAI.

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,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S J.KATHER HUSSAIN Advocate on payment of necessary charges SR.No.4539

CRL OP.6761/2021

Date :07/04/2021

cs 08/04/2021