



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.OP.No.15016 of 2021

K. Sanjay Kumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
K-4, Anna Nagar Police Station,
(Crime No.552 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No..552 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Sathish Rajan

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioner, who were arrested on 29.06.2021 and remanded to judicial custody for the alleged offences punishable under Sections 147,385 and 506(1) of I.P.C r/w 120 B of I.P.C in Crime No.552 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the defacto complainant involved in a social work, the petitioner and others came in a motor-cycle and insisted the defacto complainant to speak to Madurai Bala, who is a rowdy element in the area. Thereafter, the petitioner and others threatened the defacto complainant and demanded money from him. Hence, the law enforcing agency registered a case against the petitioner. The main accused already enlarged on bail by Trial Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner had not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioner is ready to file an affidavit of undertaking that herein after he will not involve in this type of offences in future . Hence, he prays for grant of bail



to the petitioner.

4. The learned Government Advocate submits that petitioner is there is one previous case pending against the petitioner. He would further submit that this Court had earlier dismissed the bail application to the petitioner in CrI.O.P.No.12743 of 2021 dated 26.07.2021. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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 V Metropolitan Magistrate, Egmore Chennai and on further condition that:

(a) the petitioner shall file an affidavit of undertaking that herein after he will not involve in this type of offences in future and submit the same before the aforesaid learned Judicial Magistrate, who after perusing the affidavit, shall accept the sureties furnished by the petitioner;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned 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]; and;



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

WEB COPY

-sd/-

31/08/2021

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
K4 ANNA NAGAR POLICE, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SATHISH RAJAN Advocate on payment of necessary charges

CRL OP.15016/2021

Date :31/08/2021

APN 01/09/2021