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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20949 of 2020

Premnath @ Karthi

... Petitioner

Vs.

State Rep. by
Inspector of Police,
N-2 Kasimedu Police Station,
Greater Chennai.
(Crime No.2357 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.2357 of 2020 on the file of respondent police.

For Petitioner : Mr. K.M.Ramesh

For Respondent : Mrs.M. Prabavathi,
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 23.11.2020 for the offence punishable under Sections 294(b), 289, 324 and 506(ii) of IPC and Section 4 of TN PHW Act, in Crime No.2357 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner is a Correspondent in a private school, wherein the defacto complainant was working as a Teacher. Earlier, the petitioner has received 27 sovereigns of gold and when the defacto complainant along with other relatives demanded jewels, the petitioner has refused to return and unleashed his dogs, which had bitten the petitioner. In the said circumstances, the present complaint has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Correspondent in a private school, wherein the defacto complainant is working as a Teacher and she had illegally collected a sum of Rs.2.5 lakhs from the students. He would further submit that when the petitioner and his family members demanded to return the amount, the present false complaint has been registered



against the petitioner. He would also submit that the petitioner is an innocent person and he has not committed any of the offence as alleged in the complaint. Hence, he prays to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that after receiving jewels from the defacto complainant, she is a Teacher working in his school, the petitioner has refused to return the same, scolded her and also unleashed his dog. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that it is a money dispute between the parties, the petitioner was arrested on 23.11.2020, and also considering the period of incarceration suffered by the petitioner, 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 XVI Metropolitan Magistrate, George Town, Chennai 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.

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-sd/-

11/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVI METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
N-2, KASIMEDU POLICE STATION,
GREATER CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S. K.M.RAMESH Advocate on payment of necessary charges
Sr.312

CRL OP.20949/2020

Date :11/01/2021

RVR 11/01/2021