



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.22185 of 2021

Sagadevan @ Saga

... Petitioner

Vs.

The State,
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.
(Crime No.744 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime.No.744 of 2020 on the file of the respondent police.

For Petitioner : M/s.B.Gopalakrishnan

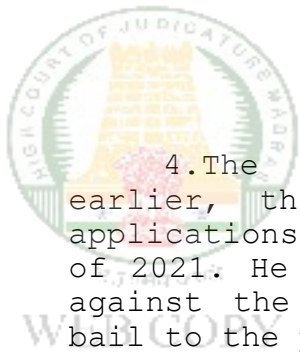
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.11.2020 for the offences under Sections 341, 302 r/w Section 34 and 114 of IPC, in S.C.No.37 of 2021 on the file of the Additional District Sessions Judge-II, Poonamallee in Crime No.744 of 2020 on the file of Inspector of Police, T10, Thirumullaivoyal Police Station, Chennai, seeks bail.

2.The case of the prosecution is that there was a previous enmity due to which the petitioner along with other accused persons had attacked the defacto complainant's husband with aruval all over his body and he succumbed to the injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that earlier, this Court had on three occasions dismissed the bail application of the petitioner on the ground that the petitioner is having one previous case however, this Court enlarged the other accused persons on bail. Further, the present case is of only extortion of money which is not heinous one and there is no allegation made against the petitioner. He further submits that the charge sheet has been filed and the petitioner has been in judicial custody for more than 365 days. Hence, he prays to grant bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that earlier, this Court had on three occasions dismissed the bail applications of the petitioner in Crl.O.P.No.14563, 12628 and 19579 of 2021. He further submits that there is one previous case pending against the petitioner. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the facts and circumstances of the case, though this Court has on three occasions dismissed the bail application of the petitioner on the ground of involvement of the petitioner in an earlier case, it appears to be only a case of extortion of money and considering the period of incarceration suffered by the petitioner and the co-accused having been enlarged on bail, this Court feels that there is change of circumstance, grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on 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 learned **Additional District and Sessions Judge-II, Poonamallee** and on further conditions that:

(a)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;

(b)the petitioner is directed to report before the respondent police daily at 10.30 a.m. until further orders;

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

(d)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;



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

WEB COPY

-sd/-
24/11/2021

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 ADDITIONAL DISTRICT
AND SESSIONS JUDGE-II, POONAMALLEE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T-10, TIRUMULLAIVOYAL POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

+1 CC to M/S. B.GOPALAKRISHNAN Advocate on payment of necessary charges SR.NO.13415

CRL OP.22185/2021

Date :24/11/2021

TA-25/11/2021