



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22197 of 2021

Sathish @ Sathishkumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
Crime No.1148 of 2021

... 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.1148 of 2021 on the file of the respondent police.

For petitioner : Mr.K.T.S.Sivakumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offence under Sections 147, 148, 448, 294(b), 324, 506(2) of IPC r/w 3(1) of Prevention of damages to Public Property Act 1984, in Crime No.1148 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of one Jagananthan. On 09.11.2021, one Anbarasu and Ayyanar demanded to register the house in the name of their mother Parvathy to liquidate the loan amount of Rs.1,00,000/- which was borrowed by one Balaji who is the elder son of the said Jagananthan. The said Balaji died 2 years back. Hence, the said Anbarasu and other accused demanded the money from the defacto complainant and threatened her with dire consequences. Hence the complaint



3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and he would further submit that co-accused/A1 to A5 have been granted bail by this Court and that the petitioner has been suffering incarceration for more than 10 days from 09.11.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection but admits that co-accused have been granted bail by this Court and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the co accused have been granted bail by this Court and that the investigation is almost completed and also considering the period of incarceration undergone 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 Judicial Magistrate, Rasipuram 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 shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

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

(d) the petitioner shall not abscond during trial;

(e) 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/-
23/11/2021

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 JUDICIAL MAGISTRATE,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR.NO.13257

CRL OP.22197/2021

Date :23/11/2021

JPA 24/11/2021