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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Cr1.O.P.No.23998 of 2021

T.R.Anbalagan

...Petitioner

Vs.

State: Represented by
The Inspector of Police
Pennagaram Police Station
Crime No.504 of 2021
Dharmapuri District

...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.504 of 2021 on the file of the respondent Police.

For Petitioner : Mr.R.John Sathyan

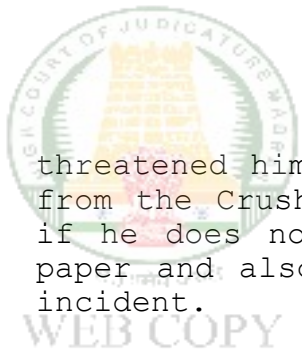
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.11.2021 for the offences under Sections 294(B), 341, 323, 324, 342, 364A, 365, 387, 506(ii) of IPC, in Crime No.504 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 09.11.2021 the defacto complainant had gone to Pennagaram. While so at about 1:00 p.m., the petitioner along with other accused gone to his residence and enquired about him with his wife and after reaching home, he was informed by his wife about the incident. At about 2:00 p.m., while the defacto complainant was with his wife at his residence, the petitioner along with three others went there and abused him stating that he was operating his tractor using the diesel stolen from his Crusher and thereafter, taken him forcefully to Arun Blue Metal Company owned by the petitioner at Bethampalli where he was assaulted with a compressor hose pipe on his back and shoulders. The petitioner has



threatened him to give in writing that he had used the diesel stolen from the Crusher and also threatened that he would seize his tractor if he does not settle the money and forced him to sign in a blank paper and also criminally intimidated him if he divulged about the incident.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would submit that the petitioner has been suffering incarceration for 13 days from 30.11.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner is a politically influential person and even at the time of bail application before the Court below, the defacto complainant attempted to withdraw the case. However, the learned Magistrate suspected that the defacto complainant might have been threatened by the accused and thereby, dismissed the petition. Further, he would submit that if the petitioner is released on bail there is a possibility of tampering the witnesses but admits that the injured has been discharged from the hospital and all the accused have been arrested and remanded to judicial custody and that the investigation is almost completed.

5. Considering the fact that the investigation is almost completed and the injured has been discharged from the hospital 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 District Munsif cum Judicial Magistrate, Pennagaram, 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 stay at Sivagangai and report before the Town Police Station on every Tuesday and Sunday 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;

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(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.

-sd/-
13/12/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PENNAGARAM

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
PENNAGARAM POLICE STATION,
DHARMAPURI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
TOWN POLICE STATION, SIVAGANGAI.

WEB COPY +1 CC to Mr.R.John Sathyan Advocate on payment of necessary
charges SR.NO.14604

CRL OP.23998/2021

Date :13/12/2021

JPA 13/12/2021