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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.3088 of 2022

and

CrI.MP.No.1819 of 2022

M.Chandran

...Petitioner

Vs.

The State Rep. by
The Inspector of Police
Perundurai Police Station,
Perundurai, Erode District
(Crime No.33 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.33 of 2022 on the file of the respondent police pending investigation.

For Petitioner : Mr.S.Kamadevan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

For Intervenor : M/S M.GURUPRASAD

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.01.2022 for the offences under Sections 387 and 506(2) of IPC in Crime No.33 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other two accused threatened the defacto complainant by saying to send a money through mobile phone, further by sending messages threatened the defacto complainant as failure to give money would endanger to his life and his family members.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to money transaction between the defacto complainant and the petitioner, the present petitioner was falsely implicated in this case. According to him, the petitioner is in judicial custody from 13.01.2022 onwards. Hence, he prays for bail.

4. The learned counsel for the intervenor would submit that during the relevant point of time, the petitioner by using mobile phone sent a message to the defacto complainant saying that he has to shoot the defacto complainant. According to him, the gravity of the offence committed by the petitioner is so higher and accordingly the petitioner would not be granted with bail.

5. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is pending and if the petitioner is released on bail, he may try to tamper the witness and hamper the investigation.

6. The submissions made by the learned Counsel on either side are considered.

7. The respondent police registered a case against this petitioner for the offence punishable under Sections 387 and 506(2) of IPC. The petitioner is the first offender. Since the evidence to be collected in this case are all in the verbal form found available in the mobile phone, custodial interrogation may not be necessary for completing the investigation. The petitioner is in judicial custody from 13.01.2022.

8. Therefore taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Perundurai Erode District

(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 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) 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];

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

9. With the above directions, this Criminal Original Petition is ordered. Accordingly, the intervening petition in Crl.MP.No.1819 of 2022 is dismissed.

-sd/-

15/02/2022

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,
PERUNDURAI, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
PERUNDURAI, ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE

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CC to M/S.S.KAMADEVAN Advocate on payment of necessary charges
Sr.2328

CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges
Sr.2360

CRL OP.3088/2022
and
Crl.MP.No.1819 of 2022

Date :15/02/2022

RVR 16/02/2022