



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3415 of 2022

Balu

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Thiruthani Police Station,
Tiruvallur 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 Inspector of Police, Thiruthani Police Station, Tiruvallur District.

For Petitioner : Mr.D.Dayalan

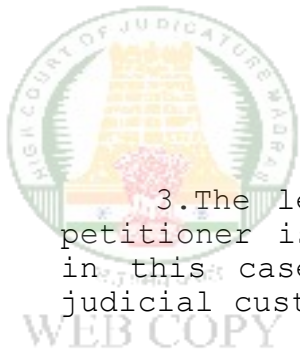
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.01.2022 for the offences under Sections 294 (b), 323, 324, 342, 506 (Part II) and 364(A) of I.P.C. in Crime No.33 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.01.2022 at about 02.30.a.m, the petitioner along with others joined together and trespassed into the house of the brother of the complainant and abducted him for ransoms. When the complainant saw the door it was tampered and her brother was found missing. When the complainant came to know the same, the petitioner along with others used unparliamentary words and also caused hurt to brother of de-facto complainant by using iron rod and threatened with dire consequences. Hence the complaint.



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 the petitioner is in judicial custody from 26.01.2022 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she would admit that the person who sustained injury in the alleged occurrence was discharged from the hospital. Further, the alleged occurrence had happened due to previous enmity.

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

6. The respondent police herein registered a case as against this petitioner for the offences punishable under Sections 294 (b), 323, 324, 342, 506 (Part II) and 364(A) of I.P.C. Admittedly, now the person who sustained injury, who is a victim is discharged from hospital after completing the treatment. Further, both the petitioner and the victim are relatives and therefore, the question of tampering the witness does not arise. More than that, being the reason that the alleged occurrence happened due to previous enmity, the question of custodial interrogation may not be necessary for completing the investigation.

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offences committed by this petitioner, this Court is inclined to grant bail to the petitioner with certain 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 at Thiruthani.

(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 10.00 a.m. for a period of 30 days and thereafter, as and when required for investigation;

(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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

14/02/2022

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,
THIRUTHANI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHANI.

5 THE INSPECTOR OF POLICE,
THIRUTHANI POLICE STATION,
THIRUVALLUR DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO.2300

CRL OP.3415/2022

Date :14/02/2022

RW 15/02/2022