



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.3604 of 2022

Kumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.
(Crime No.85 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.85 of 2022 on the file of the Inspector of Police, Sivakanchi Police Station, Kancheepuram District.

For Petitioner : Mr.R.Sasikumar

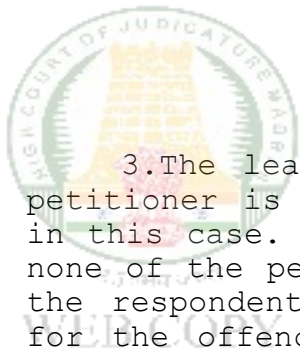
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.01.2022 for the offences under Sections 294(b), 323, 324, 341, 307 and 506(Part II) of I.P.C in Crime No.85 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.01.2022 at around 11.30 a.m, when the de-facto complainant, who is working at TASMACH Bar, gone for natural call, the petitioner along with two others way laid the de-facto complainant and demanded Rs.50,000/- as directed by rowdy element one, Dinesh. On refusal, they used filthy language and assaulted the de-facto complainant with hands. The defacto complainant lodged complaint on the next day on 28.01.2022.



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 in the alleged occurrence none of the persons sustained any injury. But upon looking the same, the respondent police registered a case as against this petitioner for the offence under Section 307 of I.P.C. According to him, the petitioner is in judicial custody from 28.01.2022. 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 admits in the alleged occurrence, nobody has injured.

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

6. It seems that the respondent police registered a case as against the petitioner for the offence punishable under Sections 294 (b), 323, 324, 341, 307 and 506(Part II) of I.P.C. Though the offence under Sections 323, 324 and 307 of I.P.C. is registered against this petitioner, the submissions made by the learned Additional Public Prosecutor reveal the fact that nobody sustained injury in the alleged occurrence. So registering the case under the above said sections by the respondent police is nothing but atrocious. The averments found in the first information report would disclose the fact during the time of occurrence, the petitioner and other three accused waylaid the defacto complainant and by showing knife criminally intimidated, except the said averments no overt act is attributed against this petitioner. The petitioner is the first offender and also he is in judicial custody from 28.01.2022 onwards.

7. Hence, 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 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 learned Judicial Magistrate No.I, Kancheepuram.

(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 therefore, as and when required for investigation;

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(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/-
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,
NO.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
SIVAKANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.NO.2330

CRL OP.3604/2022

Date :15/02/2022

JPA 15/02/2022