



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.3755 of 2022

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Paulraj

... Petitioner / A-1

versus

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

... Respondent / Complainant

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

For Petitioner : Mr.S.Kamadevan

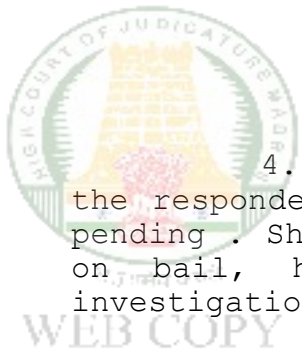
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 13.01.2022 for the offences punishable 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 two other accused threatened the de facto complainant by saying to send money through mobile phone, further by sending messages threatened the de facto complainant that failure to give money would endanger to his life and his family members. 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 due to money transaction between the de facto 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 Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. She would further submit that if the petitioner is released on bail, he may try to tamper the witness and hamper the investigation.

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

6. It seems that the respondent police registered a case against this petitioner for the offences 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 of the petitioner may not be necessary for completing the investigation. Further, the petitioner is in judicial custody from 13.01.2022 onwards.

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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 is directed to appear 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.

-sd/-

17/02/2022

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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 DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.S.KAMADEVAN Advocate on payment of necessary charges
Sr.2447

CRL OP.3755/2022

Date :17/02/2022

RVR 18/02/2022