



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4041 of 2022

Baranikumar

... Petitioner /
A-1

versus

State Rep. By
Inspector of Police
B1, Sivakanchi Police Station,
Kanchipuram.
(Crime No.85 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.85 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.Sukumaran

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 29.01.2022 for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) and 307 of IPC 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 TASMAR Bar, gone for natural call, the petitioner along with two others waylaid 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 de facto complainant lodged complaint on the next day i.e. on 28.01.2022. 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 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 IPC. According to him, the petitioner is in judicial custody from 29.01.2022. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, in the alleged occurrence, nobody sustained injury.

5. The submissions made by the learned counsel appearing 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 341, 294(b), 323, 324, 506(ii) and 307 of IPC. Though the offences under Sections 323, 324 and 307 of IPC are registered against this petitioner, the submissions made by the learned Additional Public Prosecutor reveals the fact that none 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 that during the time of occurrence, the petitioner and other three accused waylaid the de facto 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 29.01.2022 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 No.I, Kanchipuram;

(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 15 days and thereafter, he shall report before the Inspector of Police, S-10 Pallikaranai Police Station daily at 10.00 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

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, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, KANCHIPURAM.

4 THE INSPECTOR OF POLICE,
B1, SIVAKANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.



5 THE INSPECTOR OF POLICE,
S-10 PALLIKARANAI POLICE STATION,
CHENNAI.

WEB GDRV

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.SUKUMARAN Advocate on payment of necessary
charges SR.NO.2452

CRL OP.4041/2022

Date :17/02/2022

RW 18/02/2022