



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.04.2022

Pronounced on: 13.04.2022

WEB COPY

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.8100 of 2022

P.Balachandran, aged 45 years, (A2),
S/o.Poovaragavasamy,
Boothangudi,
Cuddalore,
Cuddalore District.

... Petitioners/Accused No.2

/versus/

The State Represented by
Inspector of Police,
Orathur Police Station,
Cuddalore District.
(Crime No.164 of 2022)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in connection with Crime No.164 of 2022, pending investigation, on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to Judicial Custody on 19.03.2022, for the offences punishable under sections 294(b), 384 and 506(i) of I.P.C., in Crime No.164 of 2022, on the file of the respondent police, seeks bail.

2. Based on the complaint by one Mugunthan alleging that, he registered his name at Poodankudi Government Paddy Procurement Centre through online for sale of 450 bags of paddy. As per the seniority, he went to the procurement centre on 18/03/2022 with paddy bags. The supervisor in the procurement centre one Mr.Ramesh demanded Rs.55/- per bag to accept the paddy. Hence, he through his cell phone complaint to the TASMACH Assistant Manager Mr.Viswanathan about the



demand of illegal gratification for procuring the paddy. He intervened and directed Karthikeyan, the Assistant in the procurement centre to procure the defacto complainant paddy. Infuriated by the order of the Assistant Manager, to prevent procuring the defacto complainant paddy, the supervisor Ramesh along with his associates Balachandar and Sarathi cut the power supply from the main electrical transformer. Only after much persuasion by the father of the defacto complainant, they on the power supply to enable him to weigh the paddy by 4.00 p.m., about 200 bags of paddy was weighed and procured. Again, these three persons came with 2 litres of petrol and stopped the process of procurement. They threatened to set fire the paddy, if money not given. Mr.Karthikeyan, the Assistant warned by saying action will be taken against them. Thereafter, they left the procurement centre. At about 6.3.0 p.m., they once again cut the power supply from the Transformer and came to the centre. They damaged the wire and threatened to kill the defacto complainant. To save his life, he gave Rs.5,000/- to them and escaped.

3. The Learned Counsel for the petitioner contented that, the petitioner is one of the farmer like the defacto complainant and he intervened and advised the parties not to quarrel. He is a law abiding citizen and having roots in the Society. The complaint is a fabricated, concocted story.

4. The Learned Additional Public Prosecutor for the respondent/state submitted that, this petitioner is in the habit of intimidating farmers, who come to procurement centre to sell their agricultural produce. He and the other accused tampered the Electrical Transformer and damaged properties of the procurement centre. The investigation is yet to be completed. The defacto complainant fears retaliation from the petitioner for lodging complaint against him. If, the petitioner is released on bail at this juncture, there is possibility of tampering the evidence and intimidation of the complainant. Further submitted that, taking note of the fact that, the petitioner has prevented the farmers from selling their produce at the Government Procurement Centre and demanded unlawful consideration and also threatened the defacto complainant with dire consequence, if he fail to pay money, therefore, the petition for bail has to be dismissed.

5. This Court, on considering the fact that, the petitioner was arrested on 19/03/2022 and the investigation in this case is almost completed, view that, he may be set at liberty. However, to avoid misuse of the liberty granted, impose strict conditions.



6. 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Chidambaram.

(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 stay at Villupuram and report before the Villupuram Town Police daily at 10.30 am., 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/-
13/04/2022

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-II,
CHIDAMBARAM.



2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ORATHUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

6 THE SUPERINTENDENT
CENTRAL PRISON, CUDDALORE.

7 THE SECTION OFFICER,
E.R. SECTION, HIGH COURT, MADRAS.

+1CC to M/S R.SANKARASUBBU Advocate on payment of necessary
charges SR.No.5623

CRL OP.8100/2022

Date :13/04/2022

CSK 13/04/2022