



Crl.O.P.No.21959 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21959 of 2022

1. K.Kumaresan
2. A.Chinnarasu
3. T.Vignesh
4. D.Shahul Hameed
5. R.Selvamani

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Veppur,
Cuddalore District.
Crime No.513 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in Crime
No.513 of 2022 on the file of the respondent Police.

For Petitioners : Mr.R.Bharath Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



Crl.O.P.No.21959 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.08.2022 for the offences punishable under Sections 147, 341, 384, 506(ii), 120(b) and 420 of IPC, in Crime No.513 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's son-in-law was working abroad and he came back to India on 14.08.2022. While so, nine unidentified persons had come to the house of the defacto complainant in search of her son-in-law and that they had threatened the defacto complainant and had taken a parcel from the house of the defacto complainant by intimidating her. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that the petitioners' relatives had sent some important parcel from abroad and the defacto complainant's son-in-law



Crl.O.P.No.21959 of 2022

without handing over the same to the petitioners, had misappropriated the same and thereby, the petitioners have demanded the same. Whereas, a false complaint has been given as against the petitioners as if the petitioners intimidated the defacto complainant and had taken away certain parcel from the house. He would further submit that the petitioners have no antecedents and that they are in custody from 17.08.2022. He would also submit that there is no requirement of custodial interrogation any further. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners' relatives had entrusted some gold biscuit to the son-in-law of the defacto complainant and the petitioners had trespassed into the house and had taken the parcel away by intimidating and assaulting the defacto complainant. He would also submit that no recovery has been made so far. Therefore, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.21959 of 2022

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioners are ordered to be released on bail on their executing 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, Virudhachalam** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders;



Crl.O.P.No.21959 of 2022

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.09.2022

rgi



WEB COPY



Crl.O.P.No.21959 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

To

1. The Judicial Magistrate No.I,
Virudhachalam.
2. The Inspector of Police,
Veppur,
Cuddalore District.
3. The Superintendent,
Sub Jail,
Virudhachalam.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.21959 of 2022

12.09.2022