



WEB COPY



CrI.O.P.No.28450 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

CrI.O.P.No.28450 of 2022

1. Saravanan

2. Ellapan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram District.
(Crime No.753/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with Crime No.753 of
2022 on the file of the respondent Police.

For Petitioners : Mr.A.Saranraj

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

ORDER



Crl.O.P.No.28450 of 2022

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 08.10.2022 for the offences punishable under Sections 341, 294(b), 307, 506(ii) IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Kumar is that on an earlier occasion on 10.07.2022, the friends of the petitioners herein have abducted the *de-facto* complainant's son and by assaulting him with iron rod and knife and taken away a sum of Rs.8,800/- from him, due to which the *de-facto* complainant has lodged a complainant and a case in Crime No.606 of 2022 was registered and the accused have been arrested and remanded to judicial custody. As a sequel to the incident, the petitioners herein, who are the friends of the accused in Crime No.606 of 2022, had abused and threatened the *de-facto* complainant that he should not prefer any complaint as against his friends. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons whose age is about 19 and 20 years respectively. He further submitted that they have been implicated in this case, since they happens to be the friends of the accused in Crime No.606 of



Crl.O.P.No.28450 of 2022

2022 and only in order to keep them in a continued detention, false case been registered as against them. He further stated that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and the are prepared to furnish their parents as sureties, hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners are belongs to the rowdy gang in Kanchipuram and they are 'C' Category History sheeted rowdy elements in the respondent Police Station, each having one previous case. He further submitted that as far as this case is concerned, the petitioners have threatened the de-facto complainant that he should not give any evidence with regard to the Crime No.606 of 2022 and he should not give complaint against them. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the



Crl.O.P.No.28450 of 2022

case and taking note of the period of incarceration undergone by the petitioners and also considering the age of the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each with **two sureties** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Kanchipuram District**, 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, everyday at 10.30 a.m. and 5.30p.m., until further orders;

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

[d] the petitioners shall not tamper with



WEB COPY



CrI.O.P.No.28450 of 2022

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.

23.11.2022

ham

To

1. The Judicial Magistrate No.II,
Kanchipuram District.
2. The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram District.
3. The Sub Jail,
Kanchipuram District.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28450 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.28450 of 2022

23.11.2022