



Crl.O.P.No.30710 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.30710 of 2022

A.Jayakumar,
S/o.Arumugam

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
J-3 Guindy Police Station,
Chennai.
(Crime No.744 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.744 of 2022 on the file of respondent police.

For Petitioner : Mr.R.Prem Anandhan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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Crl.O.P.No.30710 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.10.2022 for the alleged offence punishable under Sections 294(b), 324, 364 and 506(2) of I.P.C. in Crime No.744 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused said to have kidnapped the defacto complainant and confined him nearby Velacherry Railway station and enquired about one Robin, who is brother of defacto complainant's female friend. When he stated that he is not aware of Robin, they attacked him with knife all over his body and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that both the petitioner and defacto complainant are friends and due to previous enmity, he lodged a false complaint against him. He would submit that he is an innocent person and he is no way connected with the



Crl.O.P.No.30710 of 2022

WEB COPY

offence. He would submit that he has not committed any offence as alleged by the respondent police and he has been falsely implicated in the present case. He would submit that he is in custody for more than 61 days from 12.10.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are two accused and there are 11 previous cases similar in nature pending against the petitioner including one murder case. He would submit that on the date of occurrence, the petitioner along with other accused took the defacto complainant to a remote place and asked him to inform about whereabouts of Robin and when he replied that he did not know, they attacked him and no injury caused to him. He would submit that the investigation is almost completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration suffered by



Crl.O.P.No.30710 of 2022

WEB COPY

the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned IX Metropolitan Magistrate, Saidapet, Chennai** and on further conditions that:

(a) 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;

(b) the petitioner shall stay at Theni District and report before the Town Police Station, Theni daily at 10.30 a.m. for the period of two months ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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Crl.O.P.No.30710 of 2022

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.12.2022

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To

- 1.The IX Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Inspector of Police,
J-3 Guindy Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.30710 of 2022

T.V.THAMILSELVI, J.

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Crl.O.P.No.30710 of 2022

13.12.2022