



CrI.O.P.No. 30806 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

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

CrI.O.P.No.30806 of 2022

1. Akash,
S/o. Anbazhagan

2. Ansar Sherif,
S/o. Ismail

.. Petitioners

Vs.

State represented by
The Inspector of Police,
B-1 Tiruvallur Town Police Station,
Tiruvallur Dt.
(Crime No.406 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.406 of 2022 on the file of respondent police.



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For Petitioners : Mr.P.Surendran
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.09.2022 for the alleged offence under Sections 147, 148, 341, 342, 294(b), 323 and 506(ii) and 364(A) of I.P.C. in Crime No.406 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is running a mobile shop and two salesmen are working in the shop. On 21.09.2022 at about 09.00 p.m., the petitioners along with other accused abducted two salesmen in a two wheeler and made to kneel down and called the defacto complainant demanding a sum of Rs.20,000/- for the release of his two workers. When there was a delay in reaching the spot, the petitioners and other accused assaulted them, however, when the public gathered, they escaped from the spot. The injured were admitted in the



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hospital and later discharged. Hence, the complaint.

3. The learned counsel for the petitioners submitted that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 82 days from 22.09.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 6 accused and 1st petitioner is arrayed as A1 and the 2nd petitioner is arrayed as A2. He would submit that as against A1, there are 13 previous cases pending including one 307 I.P.C. case and as against A2, there are 5 previous case pending. He would submit that salesmen of defacto complainant's shop were taken by these petitioners along with other accused and demanded Rs.20,000/- for their release. He would also submit that if they are released on bail, they will



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5. So far as the 1st petitioner is concerned, considering the fact that he is having 13 previous cases including Sec.307 I.P.C. case, this court is not inclined to grant bail to the 1st petitioner.

6. Considering the fact that the investigation is almost completed, and considering the period of incarceration undergone by the 2nd petitioner, and though he is having five previous cases, this Court is inclined to grant bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd petitioners is ordered to be released on bail on executing his separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the ***learned Judicial Magistrate No.I, Tiruvallur***, and on further conditions that::



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(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 2nd petitioner shall appear before the respondent police daily at morning at 10.30 a.m. and evening at 05.30 p.m. daily for the period of two months and thereafter, on every Saturday at 10.30 a.m. until further orders.

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd petitioner shall not abscond 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd petitioner released on bail by the learned Magistrate/Trial Court himself



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as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

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To

- 1.The Judicial Magistrate No.I, Tiruvallur.
- 2.The Inspector of Police,
B-1, Tiruvallur Town Police Station,
Tiruvallur Dt.
3. The Superintendent
Central Prison-I, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras



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