



Cr.O.P.No. 30836 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

Cr.O.P.No.30836 of 2022

1. Manikam,
S/o. Duraisamy

2. Ilangovan,
S/o. Natarajan

3. Madhavan,
S/o.Chinnaraj

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri Taluk and Dt.
(Crime No.325 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.325 of 2022 on the file of respondent police.



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For Petitioners : Mr.C.Samivel
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (CrI. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.11.2022 for the alleged offence under Section 384 I.P.C. in Crime No.325 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners said to have threatened the defacto complainant as if they are from Anti-corruption Foundation of India and if he failed to pay the amount, they will drag him to the court, due to which, the defacto complainant has parted a sum of Rs.1,500/- out of Rs.5000/- demanded by them. When he asked the petitioners to come after half an hour to receive the balance amount, and they reached the office, the respondent police arrested them and the receipt book kept by them said to be seized along with the said sum of Rs.1500/-. Hence, the complaint.



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3. The learned counsel for the petitioners submitted that in order to get funds for the temple festival, they have approached the defacto complainant, but he gave a false complaint as if they have threatened him for getting money. He would submit 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. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 27 days from 16.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there is no previous case pending against the petitioners. He would also submit that the petitioners under the guise of Anti-Corruption Foundation of India entered into the office of defacto complainant and threatened him to part a sum of Rs.5000/-. He would submit if they are released on bail, they will tamper the witnesses and



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hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions. **However, the Investigating Agency is directed to investigate, whether the said Anti-Corruption Foundation of India is a registered one or non-registered one and if it is non-registered, the petitioners shall not use the said emblem for any other purpose till the disposal of the case.**

6. Accordingly, the petitioners are ordered to be released on bail on executing their separate bonds 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 Judicial Magistrate No.I, Krishnaigiri*, 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 petitioners shall appear before the respondent police on every Wednesday and Saturday at 10.30 a.m. for the period of four months.

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

(d) the petitioners 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 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]***; and;



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(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, Krishnagiri.
- 2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
3. The Superintendent
Sub-Jail, Krishnagiri.
- 4.The Public Prosecutor,
High Court, Madras



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