



CrI.O.P.No.31105 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2022

CORAM :

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

CrI.O.P.No.31105 of 2022

Rajesh Kannan,
S/o.Thamaraiselvan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Valasaravakkam Police Station,
Chennai.
(Crime No.126 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.126 of 2022 pending on the file of respondent police.

For Petitioner : Mr.K.Balasubramaniam
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (CrI.Side.)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 17.11.2022 for the alleged offence under Sections 147, 148, 294(b), 506(ii), 307, 511 I.P.C. in Crime No.126 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the defacto complainant is running a waste paper mart in the name and style of “Madha Waste Papers”. On 04.08.2022, the petitioner along with other accused came to his shop with on split A/c outdoor unit and demanded money. When he informed them that he will not take stolen product, aggrieved over the same, they said to have abused him and left the place. Thereafter, the petitioner came with five other accused persons with knife and threatened him and also damaged the wooden articles kept in his shop. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he



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has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 28 days from 17.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are five accused involved in this case and three previous cases pending against the petitioner. He would submit that petitioner is arrayed as A1. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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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 Judicial Magistrate No.I, Poonamallee**, 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 Dharmapuri District and report before the Town Police Station, Dharmapuri at 10.30 a.m. daily for the period of one month and thereafter, he shall report before the respondent police daily at 10.30 a.m. for another period of three 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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(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.

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To

1. The Judicial Magistrate No.I, Poonamallee.
2. Inspector of Police,
Valasaravakkam Police Station, Chennai
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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