



Crl.O.P.No.31416 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2022

CORAM :

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

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1. Rajasekar,
S/o. Balan

2. Hariharan,
S/o. Ravi

3. Mano Bala,
S/o. Anandan

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur.
(Crime No.1240 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1240 of 2022 on the file of respondent police.



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For Petitioners : Mr.S.Nagarajan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.11.2022 for the alleged offence punishable under Sections 367, 368, 120(B), 386, 324, 506(ii) of I.P.C. in Crime No.1240 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant belong to West Bengal and came to Tamil Nadu before 6 years and he is working as a Tailor in Le Shark company and his close friend is Rabikul, who belongs to Assam. However, the said Rabikul took the defacto complainant to a rented house, where the petitioners were present and he scolded the other accused in filthy language by telling their languages name and all of them attacked him with hands. The 1st petitioner attacked him with wooden log on his back side and leg and forced him to pay through g-pay a sum of Rs. 2 lakhs. Hence, the complaint.



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3. The learned counsel appearing for petitioners would submit that in fact the Le Shark company did not appoint any Tamilians and appointed only North Indians, however, they were dismissed from service and when the same was questioned by them, and tried to do dharna, the defacto complainant lodged the present false complaint against them and they have been falsely implicated as accused. He would submit that there is no specific overtact against the petitioners and utilising North Indians, they are creating problem with Tamilians. He would submit that they are all tailors and they have not abducted him and they are innocent persons and they are no way connected with the occurrence. He would submit that they are in custody for more than 33 days from 17.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant is a north Indian and accused person, who are local people taken him to a remote place, attacked him and demanded him to transfer a sum of Rs.2 lakhs to his account. He would submit that totally, there are 8 accused involved in this case. He would submit that the main allegation is against them, they



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used the filthy language. He would submit that the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

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

6. Accordingly, the petitioners are 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 Court, Palladam** 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;



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(b) the petitioners shall report before the respondent police on every Sunday at 10.30 a.m. for the period of eight weeks.

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

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

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(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,
Palladam.
- 2.The Inspector of Police,
Palladam Police Station,
Tiruppur.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V.THAMILSELVI, J.

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