



Crl.O.P.No.2205 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2023

CORAM :

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

Crl.O.P.No.2205 of 2023

Sudhan @ Hariharasudhan,
S/o. Muthukrishnan

... Petitioner

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 petitioner on bail in Crime No.1240 of 2022 on the file of respondent police.

For Petitioner : Mr.M.Selvam

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



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Crl.O.P.No.2205 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.01.2023 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 petitioner along with other accused were present and he scolded the other accused in filthy language by telling their languages name and all of them attacked him with hands and forced him to pay through g-pay a sum of Rs. 2 lakhs. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that in fact the Le Shark company did not appoint any Tamilians and appointed only North Indians, however, the petitioner along with other



Crl.O.P.No.2205 of 2023

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accused 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 him and he has been falsely implicated as accused. He would submit that there is no specific overtact against the petitioner and utilising North Indians, they are creating problem with Tamilians. He would submit that he has not abducted him and he is an innocent person and he is no way connected with the occurrence. He would submit that he is in custody for more than 29 days from 10.01.2023. Hence, he prayed to grant bail to the petitioner.

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 and the petitioner is arrayed as A6. He would submit that the main allegation is against him, he along with other accused abused him in filthy language and also attacked him. He would submit that the investigation is almost completed. He would submit that if he is released



Crl.O.P.No.2205 of 2023

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

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) into the credit of Crime N.1240 of 2022 before the concerned Magistrate from the date on which this order is made ready and the defacto complainant is directed to withdraw the deposit amount on production of proper identification and acknowledgement** and on such deposit, 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Palladam** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned



Crl.O.P.No.2205 of 2023

Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on alternative days at 10.30 a.m. for the period of eight weeks.

(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;

(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.

09.02.2023

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Crl.O.P.No.2205 of 2023

To
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- 1.The Judicial Magistrate,
Palladam.
- 2.The Inspector of Police,
Palladam Police Station,
Tiruppur.
- 3.The Superintendent,
District Prison, Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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Crl.O.P.No.2205 of 2023

T.V.THAMILSELVI, J.

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Crl.O.P.No.2205 of 2023

09.02.2023