



WEB COPY



Crl.O.P.No.5293 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5293 of 2023

Chandru

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ammamet Police Station,
Salem City.

(Crime No.58 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.58 of 2023, pending investigation on the file of the respondent

Police.

For Petitioner : Mr.M.Subash

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



WEB COPY



Crl.O.P.No.5293 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.02.2023 for the offences punishable under Sections 294(b), 195A 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.58 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Priya, is that during 2021, one Prakash and his relative Chandru had attempted to murder the husband of the defacto complainant, in respect of which, a case is pending. While so, on 10.02.2023, when the defacto complainant was taking water from the public tap, the accused had come there and threatened her by stating that she should not give evidence for the case already lodged against them. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since the respondent suspects that he is the close associates of A1 Prakash, against whom, there are 30 previous cases. He further submitted that already there was a enmity between the defacto complainant and A1, due



Crl.O.P.No.5293 of 2023

to which, a false complaint has been given against him. He further submitted that the petitioner is in judicial from 12.02.2023 and major part of the investigation is over. He also submitted that no one has been injured in this case. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the close associate of A1 Prakash, against whom, there are 30 previous cases pending. He further submitted that the petitioner along with the said Prakash had earlier assaulted the husband of the defacto complainant, in respect of which, a previous case is pending. Further, the accused, on the date occurrence, had threatened the defacto complainant not to disclose evidence against them before the Court and also abused her. Therefore, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.



Crl.O.P.No.5293 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Additional Mahila Judge, Salem** and on further conditions that:

[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 petitioner shall stay at Cuddalore and report before the Inspector of Police, Cuddalore Old Town Police Station everyday at 10.30 a.m and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.5293 of 2023

[e] On breach of any of the aforesaid conditions, the learned 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

07.03.2023

vkrr

To

1. The Additional Mahil Judge, Salem.
2. The Inspector of Police,
Ammamet Police Station,
Salem City.
3. The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.5293 of 2023

A.D.JAGADISH CHANDIRA.,J.

vkr

Crl.O.P.No.5293 of 2023

07.03.2023