



WEB COPY



CrI.O.P.No.11401 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11401 of 2023

Suriya

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Brammadesam Police Station,
Tiruvannamalai District.
(Crime No.21 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, pending investigation, in Crime
No.21 of 2023, on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.05.2023, in connection with Crime No.21 of 2023 registered for the



CrI.O.P.No.11401 of 2023

offence punishable under Sections 294(b), 363, 323, 324, 506(ii) of IPC, 1860 subsequently it was altered into Sections 294(b), 323, 324, 506(ii) and 367 of IPC, 1860 seeks bail.

2.The case of the prosecution as per the defacto complainant is that, due to previous enmity, the petitioner abused the defacto complainant in filthy language and kidnapped him and assaulted him with knife on his right hand wrist and also threatened him with dire consequences. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to previous enmity between the petitioners and the defacto complainant, he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is in judicial custody for the past 15 days. He would further submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.11401 of 2023

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are seven accused in this case and the petitioner herein is arrayed as A7. He further submits that, due to previous enmity, the petitioner abused the defacto complainant in filthy language and kidnapped him and assaulted him with knife on his right hand wrist and also threatened him with dire consequences. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner without prejudice to his right, he is ready to deposit a sum of Rs.5,000/- towards any charitable organization or association, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of Aram Seya Virumbu, A/c No.423150050800264, IFSC Code: TMBL0000423, Tamilnadu Mercantile Bank, Ambasamudram** and on



Crl.O.P.No.11401 of 2023

such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Cheyyar**, 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 report before the respondent Police daily at 10.00 a.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;

[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



WEB COPY



CrI.O.P.No.11401 of 2023

can be registered under Section 229A IPC.

18.05.2023

drl

To

1. The Judicial Magistrate,
Cheyyar.
2. The Inspector of Police,
Brammadesam Police Station,
Tiruvannamalai District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



WEB COPY



Crl.O.P.No.11401 of 2023

drl

Crl.O.P.No.11401 of 2023

18.05.2023