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Crl.OP.No.11780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11780 of 2023

Balasundaram

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No.150/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in pending investigation in
Cr.No.150 of 2023 on the file of the respondent police .

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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CrI.OP.No.11780 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 14.05.2023 for the offences punishable under Sections 294(b), 323, 436 and 506(i) of IPC in Crime No.150 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the defacto complainant along with elder son borrowed a sum of Rs.1,00,000/- in the year 2021 from one Rajasekar and they have demanded money from the defacto complainant. While so, the said Rajasekar along with his brother Balasundaram and nephew Gautham gathered at the defacto complainant's home and demanded money, but the defacto complainant seek time to return the same, following which, he was abused and attacked by the accused persons and they also went backside of the house and set fire. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely been falsely



Crl.OP.No.11780 of 2023

implicated in this case. He would submit that Petitioner is in judicial custody from 14.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would vehemently oppose to grant bail by stating that the defacto complainant along with elder son borrowed a sum of Rs.1,00,000/- in the year 2021 from one Rajasekar and they have demanded money from the defacto complainant. While so, the said Rajasekar along with his brother Balasundaram and nephew Gautham gathered at the defacto complainant's home and demanded money, but the defacto complainant seek time to return the same, following which, he was abused and attacked by the accused persons and they also went backside of the house and set fire. Hence, he would vehemently oppose to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering



Crl.OP.No.11780 of 2023

the period of incarceration suffered 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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Panruti**, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and he shall remain at Madurai and report before the Inspector of Police, K.K.Nagar Police Station, daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or



Crl.OP.No.11780 of 2023

coerce the witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

Vv/ham



Crl.OP.No.11780 of 2023

To
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1. The Judicial Magistrate-II,
Panruti.
2. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.11780 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Vv/ham

Crl.O.P.No.11780 of 2023

24.05.2023