



Crl.O.P.No.12079 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.12079 of 2023

Arun Kumar

... Petitioner

Vs.

State represented by,
The Sub-Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.

(Crime No.124 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.124 of 2023 pending
investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 14.05.2023, for the offences punishable under Sections 294(b), 323, 506(ii) of I.P.C and Section 3 of TNPPDL Act, in Crime No.124 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the accused had purchased the water bottle from the shop of the *de-facto* Complainant and refused to pay money for the same. When the *de-facto* Complainant had demanded money, the accused had abused and assaulted the *de-facto* Complainant and also caused damage to the wind screen of the *de-facto* Complainant's car. Hence the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to the previous enmity, the *de-facto* Complainant has lodged a false complaint as against the Petitioner. He



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would further submit that the Petitioner is in custody from 14.05.2023 and without prejudice, he is ready and willing to deposit a sum of Rs.10,000/- to the credit of crime number and he is also prepared to abide by any stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would vehemently oppose for granting bail to the Petitioner (A1) stating that the Petitioner along with other accused had purchased water bottles from the *de-facto* Complainant's shop and refused to pay money for the same, instead of which, they had abused and assaulted the *de-facto* Complainant and caused damaged to his vehicle. He would further submit that the investigation in this case is still pending.

5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel for the Petitioner and also considering the fact that the Petitioner is volunteered to deposit a sum of Rs.10,000/- to the credit of crime number, this Court is inclined to grant bail to the Petitioner with certain conditions:

7. Accordingly, the Petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.124 of 2023, without prejudice to his rights and contentions, before the trial Court concerned and the learned trial Judge is directed to hand over the same to the *de-facto* Complainant, on such deposit, 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 (out of which, one surety should be blood related surety), each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Walaja, 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



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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 report before the Respondent Police, daily at 10.00 a.m., until further orders;

(c) the Petitioner shall not influence, threaten or 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;



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

25.05.2023

Jeni/Mpl

To

1. The Judicial Magistrate - I,
Walaja.
2. The Sub-Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
3. The Sub Jail,
Walaja.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Jeni/Mpl

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