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Crl.O.P.No.12549 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2023

CORAM:

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

Crl.O.P.No.12549 of 2023

Praveen @ Peela Praveen

... Petitioner

/versus/

The Inspector of Police,
N1 Royapuram Police Station,
Chennai District.
(Crime No.19 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in connection with the case in Crime No.19 of 2023 pending investigation on the file of the respondent police.

For petitioner : Mr.R.Prabakar

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.03.2023, in connection with Crime No.19 of 2023 registered for the offences under Sections 294(b), 506(2), 195A of IPC on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Mohamed Iqbal is that his elder brother's daughter one Aneesh Fathima was given in marriage to one Sajith Ahamed/ A2 on 25.07.2021. Due to matrimonial dispute, the said Aneesh Fathima has lodged a complaint against her husband Sajith Ahamed. While so, on 26.12.2022, at about 3p.m., the petitioner had called the defacto complainant through whatsapp call, abused him and threatened him to withdraw the case lodged by the said Aneesh Fathima as against A2 in Crime No.10 of 2022, which is registered on the file of the respondent Police. 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. He further submitted that the present case is an absolute case of



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matrimonial dispute between one Aneesh Fathima and her husband namely Dr.Sajith Ahamed/ A2, whereas, a false case has been foisted against the petitioner, as if, the petitioner, on behalf of A2, had threatened the defacto complainant through whatsapp to withdraw the case registered against A2. He further submitted that the case has been foisted only for the purpose of denying the bail for the said Dr.Sajith Ahamed, whereas, the petitioner has been made as a scapegoat in this case. He also submitted the petitioner was originally arrested in Crime No.189 of 2023 on 13.03.2023 and subsequently, he was formally arrested, in the present case, on 29.03.2023 and he is in custody for more than 60 days. He further submitted that the petitioner was also enlarged on bail in Crime No.189 of 2023 on 17.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner is a habitual offender, against whom, there are 8 previous cases. He further submitted that as far as this case is concerned, the petitioner, on behalf of one Dr.Sajith Ahamed, had threatened the defacto complainant's elder brother's



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daughter stating that she should withdraw the case. Hence, he opposed for grant of 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.

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

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 XVI Metropolitan Magistrate Court, George Town, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs



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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 everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the Inspector of Police, Thiruthuraipoondi Police Station, everyday at 10.30 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 can be registered under Section 229A IPC.



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To

- 1.The XVI Metropolitan Magistrate Court,
George Town, Chennai
2. The Inspector of Police,
N1 Royapuram Police Station,
Chennai District.
- 3.The Inspector of Police,
Thiruthuraipoondi Police Station.
- 4.The Sub Jail, Thiruthuraipoondi
- 5.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



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