



Crl.O.P.No.13907 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

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

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V.Karthik

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Hudco Police Station,
Krishnagiri.

(Crime No.164 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.164 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.Kannan

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 31.05.2023 for the offences punishable under Sections 341, 294(b), 427, 447, 506(ii) of IPC @ Sections 294(b), 427, 447, 341, 506(ii) and 307 of IPC in Crime No.164 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner/A1 had illicit intimacy with the wife of the defacto complainant and the wife of the defacto complainant had left the matrimonial home and had gone along with the petitioner/A1. Later the petitioner/A1 had extorted money of Rs.7 lakhs and jewels from her and he had also driven her out. When it was questioned by the defacto complainant, the petitioner along with other accused had assaulted him and also caused damage to the CCTV camera worth Rs.20,000/-.Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity regarding the



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affair, a false complaint has been given against him. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is in custody from 31.05.2023 and he is ready to abide by any stringent condition that may be imposed by this Court. 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, on account of illicit intimacy with the wife of the defacto complainant, had assaulted the defacto complainant and caused damage to the CCTV camera worth about Rs.20,000/-. Hence, he opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that without prejudice to his contentions, the petitioner is ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime No.164 of 2023. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the



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materials available on record.

7. Taking into consideration the facts and circumstances of the case, the 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 with certain conditions.

8. Accordingly, **the petitioner is directed to deposit a sum of Rs.10,000/- to the credit of Crime No.164 of 2023**, without prejudice to his rights and contentions and on such deposit and production of proof before the trial Court, 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 Judicial Magistrate No.II, Hosur** 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 Chennai and report before the Inspector of Police, Esplanade Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during



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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.

22.06.2023

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To

1. The Judicial Magistrate No.II,
Hosur.
2. The Inspector of Police,
Esplanade Police Station,
Chennai.
3. The Inspector of Police,
Hudco Police Station,
Krishnagiri.
4. The Sub Jail, Hosur.



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5. The Public Prosecutor, High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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