

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16332 of 2023

Anbarasan

...Petitioner

Vs.

State, Represented by
Inspector of Police,
Kunnam Police Station,
Perambalur District.
(Crime No.291/2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in connection with Crime No.291 of 2023, on the file of the respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.06.2023 for the offences punishable under Sections 294(b), 387 & 506(i) of IPC in Crime No.291 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.291 of 2023 for the offences under Sections 294(b), 387 & 506(i) of IPC. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 25.06.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, *de-facto* complainant is an advocate. There is a previous enmity between the *de-facto* complainant and the petitioner in connection with a money transaction. It is alleged that on 24.06.2023, *de-facto* complainant visited Veppur Panchayat Union Office to lodge a complaint against accused Anbarasan. The accused Anbarasan is a BDO's Driver. He received the complaint from the *de-facto* complainant stating that he would give the complaint to the PDO. Later, accused informed that PDO

wanted to visit the site and therefore, both proceeded to visit the spot in their two wheelers. In the Veppur to Kunnam road, at about 3.00 p.m., that accused had overtaken the *de-facto* complainant's two wheeler and beaten him. He also took a mobile phone and Rs.500/- from the *de-facto* complainant. Both the mobile phone and amount had been recovered. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the allegation made against the petitioner, mobile phone and the amount had been recovered, that the material part of the investigation is completed and the petitioner is under judicial custody from 25.06.2023, this Court is inclined to grant bail to the petitioner and 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 **District Munsif cum Judicial Magistrate, Kunnam, Perambalur District**, 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 10.30.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 absconds, a fresh FIR can be registered under Section 229A IPC.

24.07.2023

mpl

To

- 1.The District Munsif cum Judicial Magistrate,
Kunnam, Perambalur District.
- 2.The Sub Jail, Ariyalur,
Ariyalur District.
- 3.The Inspector of Police,
Kunnam Police Station,
Perambalur District.
- 4.The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN, J.

mpl

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