



WEB COPY



Crl.O.P.No. 21733 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.21733 of 2023

Pugazh @ Pugazhendhi

... Petitioner

Vs.

The State rep. by:-

The Inspector of Police,

E-3, Minjur Police Station,

Minjur, Thiruvallur District.

(Crime No. 373 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner / Accused on bail pending investigation in

Crime No.373 of 2023 on the file of the respondent.

For Petitioner : Mr.K.Madhan

For Respondent : Mr.R.Kishore Kumar

Government Advocate (Crl.Side)

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 05.08.2023 for the offence punishable under Sections 147, 148,



Crl.O.P.No. 21733 of 2023

364(A), 387, 342, 392, 506(ii) of IPC and Section 25(1)(a) of Arms Act, 1959, in Crime No.373 of 2023 on the file of the respondent police, seeks bail.

2.The defacto Complainant had given a complaint on 04.08.2023 stating that when he was in project site, the petitioner along with other accused had approached him and demanded mamool in the name of first accused. Thereafter, they had taken him to two wheeler to Vysarpadi Housing Board where he was threatened and a sum of Rs.10,000/- was taken from him. Subsequently, the defacto complainant had withdrawn the said complaint.

3.This aspect was noted by the learned Single Judge of this Court in Crl.O.P.No.18847 of 2023 on 23.08.2023, wherein it had stated that the said withdrawal was only due to the threat offered by the accused.

4.The learned Single Judge had observed as follows:

"This Court carefully went through the materials placed. On carefully going through the same, this Court found that the accused persons including the petitioner had infact gone the project site and the CCTV footage establishes the same. Likewise, the 2nd respondent coming into police station to give a complaint and leaving the police station, has also



CrI.O.P.No. 21733 of 2023

WEB COPY

been captured in the CCTV footage. The allegations that have been made in the complaint are really serious which requires investigation. It is not known as to why all of a sudden the 2nd respondent has turned turtle and wants to withdraw the case. The learned counsel for the petitioner projected a case as if the petitioner was appearing for some accused persons and therefore, a false case has been fabricated against the petitioner who is an Advocate. The pistol was found to be in possession of the petitioner and the petitioner is justifying the possession of the pistol based on the license and curiously this license has been issued by the State of Nagaland. The petitioner who is a permanent resident of Chennai has managed to get a gun license at Nagaland. These are matters which tells the Court that this is not a normal case as was sought to be projected by the learned counsel for the petitioner".

5. This Court had called for explanation from Principal District and Sessions Judge, Tiruvallur and the explanation dated 12.10.2023 had been forwarded. It had been contended that after dismissing the bail application on four separate occasions, finally the bail had been granted.

6. The learned counsel for the petitioner/A3 stated that the defacto



Crl.O.P.No. 21733 of 2023

complainant had actually withdrawn the complaint and the prime accused is the first accused and that the petitioner herein is no role to play.

7. In the counter affidavit filed by the respondent/investigating agency, it had been stated that there was no written letter by the complainant for withdrawing the case.

8.It is seen that Crl.O.P.No.18847 of 2023 had been dismissed on 23.08.2023. On the side of the respondent, it is stated that the investigation is progressing and that the charge sheet would be filed immediately after completion of the investigation.

9.In view of these facts and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Ponneri 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



Crl.O.P.No. 21733 of 2023

ensure their identity.

[b] the petitioner shall report before the respondent police on 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 absconds, a fresh FIR can be registered under Section 229A IPC.

19.10.2023

vkf

C.V.KARTHIKEYAN, J.



WEB COPY

To

1. The Judicial Magistrate No.II, Ponneri.
2. The Inspector of Police,
E-3, Minjur Police Station,
Minjur, Thiruvallur District.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



Crl.O.P.No. 21733 of 2023

vkf

Crl.O.P.No.21733 of 2023

19.10.2023

(1/2)