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Crl.O.P.No.12325 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM :

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12325 of 2024

Kumaravel

... Petitioner/Accused No.1

Vs.

The State represented by,
The Inspector of Police,
Kavarapettai Police Station,
Tiruvallur District.

(Crime No.413 of 2024).

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, pending investigation in Crime
No.413 of 2024, on the file of the respondent Police.

For Petitioner : Mr.V.Murugesan

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.05.2024, is the first accused for the offences punishable under Sections 294(b), 323, 324, 379, 307, 506(ii) and 120 B of IPC, in Crime No.413 of 2024, registered on the file of the respondent police, seeks bail.

2. The reported case of the Defacto complainant is that when the defacto complainant was driving his car four un-identified persons came in a car from behind and hit the car and that one of the passengers from the car agreed to compensate the defacto complainant and got into the defacto complainant's on the pretext of withdrawing cash. Later, the three other persons came and assaulted the defacto complainant and abused him with filthy language and stated that they were retaliating on behalf of the petitioner herein and that they took away his car, mobile phone and laptop. The case of the petitioner is that the petitioner was not at the scene of occurrence and has no connection with assailants who had allegedly hit and took away his car, laptop and mobile phone.



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3.The petitioner is the first accused in Crime No.413/2024, pursuant to a complaint filed by the defacto complainant before the respondent, for the alleged offence committed by the four unidentified accused .i.e. Accused Nos.2 to 5, under the above said Sections on 09.05.2024. It is informed that the petitioner was a contractor engaged by the company where the defacto complainant is the General Manager.

4. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is no way connected with the alleged offence, and a false complaint has been foisted against him. He also submitted that the petitioner is in custody from 11.05.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that some of the accused are still absconding while some of the accused have been remanded to the judicial custody on 11.05.2024. They had caused injury to the defacto complainant and had taken away the car, laptop, cell-phone of the defacto complainant. He further



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submitted that the defacto complainant has been discharged from the hospital and the car had been returned to the defacto complainant by the accused. However, laptop and cell-phone of the defacto complainant has not been returned yet. Hence, he opposed 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 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 considering the fact that the defacto complainant has been discharged from the hospital, this Court is inclined to grant bail to the petitioner, subject to the petitioner depositing a sum of Rs.75,000/-(Rupees Seventy Five Thousand Only) to the credit of crime number No.413 of 2024 before the respondent to secure the interest of the defacto complainant, without prejudice to his defence and contention, with certain conditions.



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8. Accordingly, the petitioner is directed to deposit a sum of **Rs.75,000/-(Rupees Seventy Five Thousand Only)** to the credit of crime number No.413 of 2024 before the respondent police to secure the interest of the defacto complainant, without prejudice to his defence and contention and 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**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Gummidipoondi**, 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 respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[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,



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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.

22.05.2024

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Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To



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1. The District Munsif cum
Judicial Magistrate, Gummidipoondi.
2. The Inspector of Police,
Kavarapettai Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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