



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10810 of 2019

1. Subramanian
2. Bharathi
3. Muthukumar

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Panthalgudi Police Station,
Virudhunagar District.
(Crime No.89 of 2019).

... Respondent/Complainant

For Petitioners: M/s.A.Balaji,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

for bail in Crime No.89 of 2019 on the file of the Respondent Police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused No.1 to 3 seeking bail for the alleged offence under Sections 365, 342, 347, 324, 506(ii), 387 and 379 of IPC in Crime No.89 of 2019.

2.The case of the prosecution is that A1 is a contractor for laying road. One Balaji being sales representative of one company viz., X-TEND Equipment private limited and entered into an oral agreement with A1 to lease out a grader machine of their company and in pursuance of the same, A1 has paid a sum of Rs.2,70,000/- to the account of the company and subsequently the said company did not make arrangements for the said machine and hence all the accused persons together abducted the defacto complainant on 15.07.2019 and detained the defacto complainant, who is also one of the sales representatives of the aforesaid company and compelled him to call the said Balaji and accordingly the said Balaji came there and all

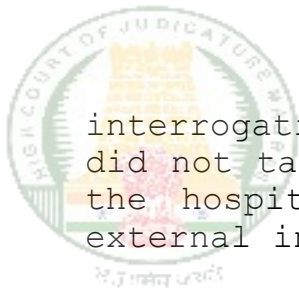


the accused persons illegally confined the defacto complainant and the said Balaji and assaulted them and also threatened to return the aforesaid amount of the Rs.2,70,000/- with expenses of Rs.1,30,000/-.

3.The learned counsel appearing for the petitioners has submitted that since the aforesaid company viz., X-TEND Equipment private limited has not leased out the machine or return the said amount, A1 demanded to repay the said amount and accordingly, on 16.07.2019, the said company has paid the amount of Rs.2,70,000/- to the account of A1. He further submitted that since the interest for the aforesaid amount has not been paid, the petitioners have demanded to pay the interest and aggrieved by the same, at the instance of the company, after four days, on 20.07.2019 the defacto complainant has lodged a false complaint against the petitioners. He further submitted that even though the petitioners were arrested on 21.07.2019 and subjected to interrogation, the properties as alleged by the defacto complainant in the complaint (I.e. Rs.22,000/- and jewels) were not recovered from the petitioners and that itself would show that the aforesaid complaint has been given with false averments and exaggerated version. He further submitted that though the defacto complainant in the FIR, has stated that the defacto complainant and the said Balaji were assaulted by the petitioners on 15.07.2019, the said balaji not at all took any treatment. The defacto complainant alone admitted in the hospital on 20.07.2019. But the Doctor has noted that no external injuries found on his body and that also would show that the alleged assault is false. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and therefore, he prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that on 15.07.2019 all the accused persons have detained the defacto complainant and compelled him to call another sales representative namely Balaji and all the accused persons have assaulted both the sales representatives and threatened to pay the amount of Rs.2,70,000/- and accordingly the company has paid the said amount to the account of A1 and not satisfied with the same, they demanded to pay additional sum of Rs.1,30,000/- and hence, he strongly opposed this petition.

5.It is an admitted fact that A1 entered into an agreement with the company namely X-TEND Equipment private limited through its sales representative namely Balaji for getting lease of grader machine on 05.07.2019 and paid a sum of Rs.2,70,000/- to the account of the said company but, the said company did not lease out machineries and not come forward to return the said amount. Further, though it is stated in the FIR on 15.07.2019 all the accused persons have detained the defacto complainant and the said Balaji and assaulted them and forcibly taken away a sum of Rs.22,000/- and jewels, the police have not recovered those articles from the petitioners, even though they were arrested and subjected to



interrogation. Further Case Diary also shows that the said Balaji did not take any treatment and only the defacto complainant went to the hospital on 20.07.2019 but the Doctor has observed that no external injuries found on his body.

6. Taking into consideration the aforesaid facts and also the fact that the petitioners are in custody from 21.07.2019, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

sd/-

31/07/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
PANTHALGUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.BALAJI Advocate SR.No.12623

ORDER IN

CRL OP(MD) No.10810 of 2019

Date :31/07/2019