

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18497 of 2020

1.Venkateshwaran

2.Bakiyasbari @ Bakkiyasavarimuthu

3.Arunkumar

... Petitioners/Accused (1, 3 & 5)

Vs.

The State represented by,
The Inspector of Police,
Kundadam Police Station,
Tiruppur District.
(Crime No. 1096 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 1096 of 2020, on the file of the respondent police.

For Petitioners : Mr.P.Thiruvengadam

For Respondent : Mr.T.Shunmugarejeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 10.10.2020 for the offences punishable under Section 364(A) of IPC altered into Sections 364(A), 323 and 506(ii) of IPC, in Crime No. 1096 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have kidnapped the defacto complainant's brother viz., Karthi and demanded ransom amount of Rs.7,00,000/- . Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the suppliers of onion from Dindugal, the defacto complainant purchased onions from the petitioners and had cheated and evaded payments to the petitioners to the tune of Rs.7,00,000/-. Therefore, the petitioners had come from Dindugal to Chennai, enquired the defacto complainant with regard to the same and at that time quarrel arose between the petitioners and the defacto

complainant. In quit of anger, the petitioners were assaulted by the defacto complainant, for which, a case was registered in Crime No.1097 of 2020, for the offence punishable under Sections 324, 294(b) & 506(ii) of IPC against the defacto complainant. He would further contended that as a counter blast the defacto complainant gave a false complaint as if his brother was kidnapped by the petitioners. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are the suppliers of Onions and the defacto complainant had purchased the onions from the petitioners to the tune of Rs.7,00,000/- and evades payments. Thereby, there was a quarrel arose between the petitioners and the defacto complainant and at that time, the petitioners forcibly taken the defacto complainant's brother and later the victim was rescued by respondent police. He would further submit that there is a case and counter in Crime No.1097 of 2020 and that there is no previous case pending against the petitioners.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsel and that the petitioners are the suppliers of onions and the defacto complainant had purchased onions from them and there is a due of Rs.7,00,000/- to be paid by the defacto complainant and that there is a counter case in Crime No.1097 of 2020, further considering the period of incarceration by the petitioner from 10.10.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioners are 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, Tharapuram and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter everyday Monday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE JAILER
SUB JAIL, GOBICHETTIPALAYAM, सत्यमेव जयते
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.P.THIRUVENGADAM Advocate on payment of necessary charges SR.No.7799

CRL OP.18497/2020

Date :24/11/2020