

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9188 of 2021

P.Senthilnathan

...Petitioner

Versus

State of Tamil Nadu
Rep by its,
Inspector of Police,
Kandachipuram Police Station,
Kandachipuram,
Tirukoilur,
Villupuram District.
(Crime No. 185 of 2021)

...Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to grant bail to the petitioner in connection with the above Crime
No. 185 of 2021, pending investigation before the respondent police.

For Petitioner

:

Mr.M.Gnanasekar

For Respondent

:

Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 21.04.2021 for the alleged offences punishable under Sections 395, 397, 364A, 506 (2) of I.P.C and Sections 25 (1B)(a) and 27(1) of Arms Act, 1959 in Crime No.185 of 2021 pending on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that, the *de facto* complainant is involved in real estate business and it appears that there is a rival party and issues between the rival groups; on 18.04.2021, when the *de facto* complainant along with Sivan and Rajendar had been to Villupuram bus stop in connection with real estate business, Sivan and Rajendar is said to have been kidnapped at the knife point and therefore, this case came to be filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he seeks to release the petitioner on bail. He further submitted that A1 and A2 to A4 were granted bail by this Court in Crl.OP.Nos.8633 & 8572 of 2021, respectively, on 06.05.2021 and prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this bail petition.

5. Taking note of the nature of the offence and also the fact that the bail was granted to the co-accused in this case, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on he executing a personal 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, Tirukoilur** and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders;

(b) the petitioner shall not abscond either during investigation or trial;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) on breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**; and

(e) if the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

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Note: Issue order copy by 13.05.2021

G.CHANDRASEKHARAN, J.,

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To

1.The Judicial Magistrate,
Tirukoilur.

2. The Inspector of Police,
Kandachipuram Police Station,
Kandachipuram,
Tirukoilur,
Villupuram District.

3.The Superintendent of Prison,
Central Prison, Villupuram.

4.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

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