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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25549 of 2021

1.Sabarinathan
2.Ajaybharath
3.Mohankumar
4.Rajkumar

... Petitioners/A1 to A4

Vs.

State Rep. By the
Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District
(Crime No.713 of 2021)

... Respondent/complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.713 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan
for Mr.M. Prakash

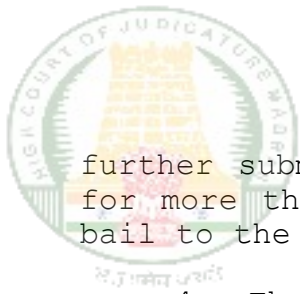
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 20.11.2021 for the offences under Section 342, 323, 506 (ii), 364A of IPC in Crime No.713 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant regarding previous enmity. While so, on 13.11.2021, petitioners along with other accused abducted the defacto complainant and detained him in a shed and demanded ransom of Rs.25 lakhs from the wife of the defacto complainant. Subsequently, in the absence of the accused, the defacto complainant escaped from them. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and they are no way connected in this case and he has been falsely implicated in this case. He



further submits that the petitioner has been suffering incarceration for more than 30 days from 20.11.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that there are totally 8 accused involved in this case and A1 to A4 have been arrested and remanded in Judicial Custody and he further submits that they were involved in the immoral trafficking of women and running brothel home and he further submitted that investigation also completed. However, he vehemently opposed to grant bail to the petitioner.

5. On Seeing the nature of the allegation there was a dispute between the running the prothel home.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also the fact that the investigation was almost completed, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are 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 learned Judicial Magistrate No.I, Krishnagiri, 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 petitioners are directed to report before the Thiruvavur Town Police Station on every Tuesday and Sunday at 10.30 a.m. Until further orders

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

(d) the petitioners shall not abscond 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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-sd/-
23/12/2021

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,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.NO.15471

CRL OP.25549/2021

Date :23/12/2021

CSK 23/12/2021