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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.4227 of 2022

Kaviraj

... Petitioner /A-3

versus

State Represented by Its
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
(Crime No.824 of 2021)

...Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.824 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.01.2022 for the offences punishable under **Sections 341, 364(A), 365, 368 & 506(ii) of IPC** in Crime No.824 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused kidnapped the *de facto* complainant and abused him in filthy language, demanded a ransom from him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, while at the time of lodging the complaint before the respondent police, the *de facto* complainant after including a story as he was kidnapped in the year 2020, lodged a false complaint and as of now, the petitioner is



in judicial custody from 05.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, upon the confession statement given by A-1 and A-2 in this case, the present petitioner was arrested by the respondent police.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Sections 341, 364(A), 365, 368 & 506(ii) of IPC. The averments found in the First Information Report would disclose the fact that, for the apprehension that he may be kidnapped by the petitioner, the *de facto* complainant has lodged the present complaint. In otherwise, though it was stated that on 28.07.2020, he was kidnapped by some persons, in respect to the same, he has not given any complaint immediately after the occurrence.

6. Therefore, taking note of all the above said aspects into consideration, particularly, considering the delay in lodging the complaint, further, the present complaint has been registered merely for the apprehension and also for the reason that the petitioner is in judicial custody from 05.01.2022, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif-Cum-Judicial Magistrate No.I, Hosur, Krishnagiri District;

(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 petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

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

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

-sd/-

21/02/2022

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

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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NO.I, HOSUR,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PARAPPANA AGHARA BANGALORE,
STATE OF KARNATAKA.

CC to M/S. S.ARIVAZHAGAN Advocate on payment of necessary charges

CRL OP.4227/2022

Date :21/02/2022

TA-22/02/2022