



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 01.04.2022

Pronounced on : 05.04.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.Nos.7464, 7533 and 7656 of 2022

Suresh

..Petitioner/Accused-6
in Crl.O.P.No.7464/2022

1.Kumar

2.Mayilvel @ Poochi

3.Murali @ Kariyan

..Petitioners/Accused 1,4&7
in Crl.O.P.No.7533/2022

1.Vijayakumar

2.Nagendran

3.Anbumani

..Petitioners/Accused
8,9 &10 in
Crl.O.P.No.7656/2022

/versus/

The State rep.by
Inspector of Police,
KPR DAM Police Station,
Krishnagiri District.
(Crime No.20 of 2022)

..Respondent/Complainant
in all the petitions

Common Prayer: Criminal Original Petitions have been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail in Crime No.20 of 2022 pending investigation on the file of the respondent police.

For Petitioners :Mr.S.Meiyyappan
(in all petitions)

For Respondents :Mrs.G.V.Kasthuri
(in all petitions) Additional Public Prosecutor
(Crl.Side)



COMMON ORDER

The petitioners, who were arrested and remanded into judicial custody on 21.03.2022, 15.03.2022 and 21.03.2022 respectively at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 324, 342, 355, 363, 307, 506(II), 392 of IPC in Crime No.20 of 2022 seek bail.

2. These petitioners are accused in the case registered on the complaint of wrongful restraint, abduction, attempt to murder and extortion.

3. The reading of the FIR indicates that this is a case of internal dispute between the group of criminals involved in illegal transport of banned tobacco products from Bangalore to Tamil Nadu through Krishnagiri. Suspecting the role of the defacto complainant in an incident of theft relating to a load of tobacco products clandestinely transported in an Eicher Lorry, the defacto complainant was called by one Viji (first petitioner in CrI.O.P.No.7656 of 2022) on 11.03.2022 to meet him at Kaveripattinam, on the next day. When the defacto complainant went to Kaveripattinam and met Viji, at about 12.30 hours near KRP Dam, Kumar, Iyyappan, Poochi and one more person came in a Tavera car and abducted him by force. He was kept illegally confined in the poultry farm of one Kumar (first petitioner in CrI.O.P.No.7533 of 2022). Kumar, Iyappan, Poochi, Munraj, Suresh, Kariyan and other accused attacked the defacto complainant and put him under fear of death. Took videograph and recorded statement of the defacto complainant as dictated by Kumar. They also obtained signatures in blank stamp paper and plain green sheets.

4. On 14/03/2022, the defacto complainant escaped from the abductors and got admitted in the hospital at about 8.30 p.m. On receipt of intimation from the hospital, the respondent police has recorded the complaint on 15/03/2022 at about 5.00 a.m and registered case in Crime No.20/2022 for offences under Sections 147, 148, 294 (b), 323, 324, 342, 355, 363, 307, 506(2) and 392 of IPC against 7 named accused and 7 unknown persons.

5. The learned counsel for the petitioners submit that, the petitioners are A-1 and A-6 to A-10. The petitioners herein were arrested on 21/03/2022 and remanded to judicial custody. Whereas three days later, on 18/03/2022 for the alleged offence of possessing banned tobacco products, the Bargur Police has registered case in Crime No.71 of 2022 against the defacto complainant in this case and few of the accused in this case (i.e Crime No.20 of 2022 on the file of KRP Dam Police Station). This improbabilise the version of the defacto complainant. The petitioners are fighting against the tobacco menace and they have been wrongly implicated in this case by the defacto complainant.



6. Per contra the learned Additional Public Prosecutor produced the case diary and submitted that pursuant to the complaint, these petitioners were arrested, the blank stamp papers and green papers with the signature of the defacto complainant were recovered. The tobacco products from the custody of Kumar and others were recovered. Some of the key accused involved in the illegal trafficking of tobacco products from Bangalore to Tamilnadu are at large and they are yet to be secured. These petitioners if left on bail, there is every possibility of absconding.

7. This Court, on reading the CD file, finds force in the submission of the learned Additional Public Prosecutor. The investigation is at crucial stage. These petitioners and the defacto complainant are involved in getting protection money from the Bangalore supplier for free passage of illicit tobacco. Since the defacto complainant had double crossed, he had been abducted and attacked by the other gang members. His signatures obtained and statement confessing his guilt in stealing the load of banned tobacco along with lorry were recorded. The stolen lorry also recovered later by Bargur Police and case has been registered. In the said facts and circumstances, the interstate ramification of the illegal trade requires investigation without any hindrance. Releasing the petitioner on bail at this point of time will deter the investigation. Hence, these Criminal Original Petitions are dismissed.

-sd/-
05/04/2022

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 INSPECTOR OF POLICE,
KPR DAM POLICE STATION,
KRISHNAGIRI DISTRICT.

2 THE OFFICER INCHARGE
HOSUR SUB JAIL.



3 THE OFFICER INCHARGE
KRISHNAGIRI SUB JAIL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.7464, 7533 and 7656/2022

Date :05/04/2022

JPA 11/04/2022