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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :19.04.2022

Pronounced on :21.04.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.8876 of 2022

Sudhakar

.. Petitioner

/versus/

State Rep.by
Inspector of Police,
Cuddalore District.
(Crime No.151 of 2022)

.. Respondent

Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.151 of 2022 on the file of the respondent police.

For Petitioner :M/s S.Deepika

For Respondent :Mrs.G.V.Kasthuri,
Additional Public Prosecutor
(Crl.Side)

ORDER

The petitioner, who was arrested and remanded into judicial custody on 14.02.2022 for the alleged offences punishable under Sections 294(b), 324, 364-A, 365 and 506(ii) of IPC in Crime No.151 of 2022 on the file of the respondent police based on the complaint given by one Mathiyazhagan, seeks bail.

2.The allegation against the petitioner is that 4 known persons on 10.02.2022 abducted and confined the defacto complainant in the cashew grove owned by the fourth accused Sivamani. The defacto complainant was physically attacked and tortured by Selva, Sudhakar, Karthikeyan and Sivamani demanding money from the defacto complainant. After two days, he was set free by the father of Sivamani on 13.02.2022. The defacto complainant got admitted in the Government Head Quarters Hospital at Cuddalore and gave his



complaint on 14.02.2022. In connection with the said case, the petitioner was arrested.

3.The learned counsel appearing for the petitioner states that the petitioner is a Driver by profession and he is not aware of the crime alleged to have committed against the defacto complainant. He knew that the first accused Selva has money transaction with the defacto complainant. To avoid payment to Selva, the defacto complainant has given the false complaint implicating innocent persons.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused by force had taken the defacto complainant. They attacked and put him under life threat to recover the money due and payable by the defacto complainant. The defacto complainant was illegally confined in the cashew grove owned by Sivamani, who is one of the accused in this case. The investigation is still not completed, the earlier bail petition was dismissed by this Court on 06.04.2022. There is no change in circumstances to entertain the second bail petition.

5.Considering the fact that the petitioner was arrested on 14.02.2022 and the investigation has almost completed, this Court is inclined to grant bail to the petitioner.

6.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.50,000/- (Rupees fifty thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Panruti;

(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 report before the Investigating Officer daily at 10.00 a.m., until further orders;

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



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(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 v. State of Kerala [(2005) AIR SCW 5560];

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

-sd/-
21/04/2022

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 JUDICIAL MAGISTRATE,
NO.II, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, CUDDALORE.

+1 CC to M/S. S.DEEPIKA Advocate on payment of necessary
charges SR.NO.5920

CRL OP.8876/2022

Date :21/04/2022

TA-21/04/2022