



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.15370 of 2022

WEB COPY

Sarathi

.. Petitioner/ A4

Vs.

State rep.by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District
crime No.302 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.302 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2022 for the offence punishable under Sections 147, 148, 294 (b), 323, 324, 341, 342, 364, 379 and 307 of IPC in crime No.302 of 2022 on the file of the respondent police, seeks bail.

2. On 23.05.2022, due to land dispute between the defacto complainant and his sons, they along with some others kidnapped the defacto complainant and also abused him in filthy language. Thereafter, they also assaulted him with knife. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is only a friend of A1, is an innocent person and he has been falsely implicated in this case. He would further submit that the matter has been comprised between them. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that since the father of A1 & A2 did not give share in his property to them, they along with four others kidnapped him to a nearby place and caused injury on his neck with knife. However, the defacto complainant acted as if he died, thereafter they went from that place. After some time, he shouted and people came to that place and admitted him in the hospital. He would further submit that the petitioner is a friend of A1. However, he vehemently opposed to grant bail to the petitioner.

5. There are totally six accused, in which the petitioner is arrayed as A4. A1 and A2 are brothers and they kidnapped their own father for demanding their respective shares in the property with the help of A3 to A6 and thereafter he was left out. Now the matter has been compromised between them. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is 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 the learned Judicial Magistrate No.1, Villupuram 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
04/07/2022

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.I, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, VILLUPURAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.10611

CRL OP.15370/2022

Date :04/07/2022

JPA 04/07/2022