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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Cr1.OP.No.15476 of 2022

1.Vinothkumar @ Vinoth
2.Vijayakumar @ Vijay

..Petitioners/A3 & 5

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 petitioners on bail in crime No.302 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.06.2022 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, seek 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 petitioners would submit that the petitioners are only friends of A1 and A2 and they have not involved in any offence as alleged by the prosecution. Hence, he seeks for grant of bail to the petitioners.



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 five 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 petitioners are friends of A1 and the victim was discharged from hospital. However, he vehemently opposed to grant bail to the petitioners.

5. There are totally seven accused, in which the petitioners are arrayed as A3 and A5. A1 & A2 are the sons of the defacto complainant and they kidnapped their own father for demanding their respective shares in the property with the help of A3 to A7 and thereafter he was left out. As far as the petitioners, they are friends of A1. Further, after taking treatment in the hospital, the victim was discharged from the hospital.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.I, 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 petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

05/07/2022

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 DISTRICT [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR.No.10716

CRL OP.15476/2022

Date :05/07/2022

CSK 05/07/2022