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Crl.O.P.No.18861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM

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

Crl.OP.No.18861 of 2022

1. Thangaraj

2. Ravi

3. Thirumalai @ Settu

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Pernampet Police Station,
Pernampet,
Vellore District.
(Crime No.311 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.311 of 2022 on the file of the The Inspector of Police, Pernampet Police Station, Pernampet, Vellore District.

For Petitioners : Mr.G.Vinodhkumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 16.07.2022 for the offence under Sections 147, 341, 294(b), 323, 364(A), 506(ii) of IPC in Crime No.311 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 13.07.2022, the petitioners and other accused way laid the defacto complainant and kidnapped him and also abused him with filthy language. It is further alleged that the accused persons assaulted the defacto complainant and also demanded a sum of Rs.30,00,000/- by threatening him dire consequences. Hence, this complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that, the petitioners were arrested and remanded to judicial custody on 16.07.2022 and more than one month they have been incarcerated. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for respondent



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submitted that there are totally six accused and the petitioners are arrayed as A1 to A3. They kidnapped the defacto complainant and also demanded a sum of Rs.30,00,000/-. However, the defacto complainant escaped from the accused persons and lodged the present complaint. He further submitted that the investigation is still pending and hence he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioners and others kidnapped the defacto complainant and demanded money. However, the defacto complainant escaped from the petitioners. Considering the facts and circumstances of the case and also considering the period of incarceration by the petitioners from the date of his arrest viz.,16.07.2022, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Gudiyatham, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in



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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 appear before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., for a period of six weeks and thereafter 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.

12.08.2022

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To

1. The Judicial Magistrate,
Gudiyatham.
2. The Inspector of Police,
Pernampet Police Station,
Pernampet,
Vellore District
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.
Chennai.



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G.K.ILANTHIRAIYAN, J.

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