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Crl.OP.No.19233 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19233 of 2022

J.Rammohan

...Petitioner

Vs.

The State rep by its
The Inspector of Police,
Attur Rural Police Station,
Salem District.
(Crime.No.240 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge on bail to the petitioner in connection with Crime
No.240 of 2022 on the file of the respondent police.

For Petitioner : Mr.E.C.Ramesh
For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 22.07.2022 for the offences punishable under Sections 147,
341, 294(b), 363, 511, 116 & 506(II) of IPC in crime No.240 of 2022 on
the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the *de-facto* complainant is a fruit merchant. The petitioner and the *de-facto* complainant jointly started fruit business, where in the *de-facto* complainant invested Rs.60,00,000/- and the petitioner had invested Rs.51,00,000/-. Subsequently, due to COVID – 19 the *de-facto* complainant was not able to run the business and not repaid the money. Therefore, there was a dispute between them. On 21.07.2022, at the instigation of the petitioner, the other accused persons have waylaid the *de-facto* complainant and abused him in filthy language and attempted to kidnap him. Hence, the complaint.

3. The petitioner and the *de-facto* complainant are partners. They started a fruit business, in which the petitioner invested a sum of Rs.51,00,000/- and the *de-facto* complainant invested a sum of Rs.60,00,000/-. However, the *de-facto* complainant failed to run the business and to share any profit. Thereafter, he also refused to return the amount which was received as a share from the petitioner. Therefore, the petitioner engaged henchmen A2 to A6 and kidnapped the *de-facto* complainant. However, he escaped from their custody. The petitioner



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was working as a Head Constable and now he is suspended from service.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 22.07.2022, 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.II, Attur**, 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 twice daily at 10.30 a.m. and 5.30 p.m., until further orders.

[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



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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.

16.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II, Attur.
- 2.The Inspector of Police,
Attur Rural Police Station,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras

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