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Crl.O.P.No.24814 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.24814 of 2022

C.Karnan

... Petitioner

Vs.

The State Rep by its,
The Inspector of Police,
Puliyampatti Police Station,
Erode District.
(Crime No.370 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.370 of 2022 on the file
of Respondent Police.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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CrI.O.P.No.24814 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.09.2022, for the offences punishable under Sections 362, 342 & 394 of IPC, in Crime No.370 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Eswaran, Ex-M.L.A., belonging to ADMK party is that the petitioner, the other accused and the defacto complainant belong to the same political party and on account of political rivalry, the petitioner along with the other accused had kidnapped the defacto complainant and demanded ransom of Rupees Three Crores. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to political animosity and rivalry, a false complaint has been given as against the petitioner. He would also submit that the petitioner is only a driver of the car and the other accused and the defacto complainant belong to the same political party. He would further



Crl.O.P.No.24814 of 2022

submit that the petitioner being unaware of the enmity and the gretch between the other accused and the defacto complainant, had unknowingly driven the car for them. Whereas, the petitioner has also been implicated in this case as if he also kidnapped the defacto complainant. He would also state that the petitioner can only at the most be taken as a witness in this case and he has been unnecessarily implicated as an accused in this case. He would further state that the co-accused against whom the charges are serious, have been granted bail by the Principal District and Sessions Judge, Erode in Crl.M.P.Nos.2979 & 2980 of 2022 on 13.10.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the driver of the car in which the other accused had kidnapped the defacto complainant. He would also submit that the accused had kidnapped the defacto complainant and demanded ransom of Rupees Three Crores from him. He would further submit that the main accused and the defacto complainant in this case belong to the same political party and because of the case registered, the main



Crl.O.P.No.24814 of 2022

accused has also been suspended from the party. He would also state that the role of the petitioner is that he had driven the car and he has no previous case as against him. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record..

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the petitioner was only the driver of the car and that the main accused have been granted bail by the Principal District and Sessions Judge, Erode in Crl.M.P.Nos.2979 & 2980 of 2022 on 13.10.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with **two sureties**, each for a like sum to the



Crl.O.P.No.24814 of 2022

satisfaction of the **learned Judicial Magistrate, Sathyamangalam**, 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 09.00 a.m., and 06.00 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 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]*;



Crl.O.P.No.24814 of 2022

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

17.10.2022

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To

1. The Judicial Magistrate, Sathyamangalam.
2. The Inspector of Police,
Puliyampatti Police Station,
Erode District.
3. The Sub Jail, Sathyamangalam.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24814 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.24814 of 2022

17.10.2022