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Crl.O.P.Nos.25330 & 25332 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

Crl.O.P.Nos.25330 & 25332 of 2022

Baskar ... Petitioner in Crl.O.P.No.25330 of 2022

1.Mani

2.Ravikumar

3.Paramjothi

4.Vaithiyalingam ... Petitioners in Crl.O.P.No.25332 of 2022

Vs.

State Represented by the Inspector of Police,

Perundurai Police Station,

Erode District.

In Crime No.715 of 2022

... Respondent in both Crl.O.P.'s

**PRAYER in Crl.O.P.No.25330 of 2022:** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/Accused No.5 in Crime No.715 of 2022 Perundurai Police Station pending disposal.

**PRAYER in Crl.O.P.No.25332 of 2022:** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners/Accused No.1 to 4 in Crime No.715 of 2022 Perundurai Police Station pending disposal.



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For Petitioner  
in both Crl.O.P.'s : Mr.J.Hariharan Alias Harish

For Respondent  
in both Crl.O.P.'s : Mr.C.E.Pratap  
Government Advocate (Crl.side)

For Intervenor  
in both Crl.O.P.'s : Mr.B.Mohan

**COMMON ORDER**

The petitioner in Crl.O.P.No.25330 of 2022, who was arrested and remanded to judicial custody on 25.09.2022 and the petitioners in Crl.O.P.No.25332 of 2022, who were arrested and remanded to judicial custody on 24.09.2022 respectively for the offences punishable under Section man missing @ Sections 364, 368, 506(2) an 109 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act of 2003 in Crime No.715 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that his father had borrowed loan from A5 and due to his financial problems he was unable to repay the loan. Further allegation is that on the instructions of A5, all the other accused have kidnapped the *de-facto* complainant's father in a car and taken him to a lodge and had demanded ransom and also to settle



the amount. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that a case of money dispute between the parties is exaggerated and a false complaint has been given as if the petitioners have kidnapped the *de-facto* complainant's father for non payment of money. He would further submit that the *de-facto* complainant's father and the accused persons are very well known to each other and there was a dispute with regard to the share trading and there was a quarrel between them. During such time, the *de-facto* complainant's father was injured and the petitioners have taken him to the hospital and based on the complaint, the petitioners were suspected to have kidnapped the *de-facto* complainant's father. He would further submit that the petitioners are in custody from 24.09.2022 and 25.09.2022 respectively and the major part of the investigation is over. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are money lender and they have lend money to the *de-facto* complainant's father. Since there was some delay



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in repayment, the petitioners have joined together and kidnapped the *de-facto* complainant's father. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioners.

5. The learned counsel for the intervenor would submit that the petitioners are usurious money lender and they had demanded excess amount from the *de-facto* complainant's father. They have kidnapped the *de-facto* complainant's father and assaulted him, where the victim had sustained injuries. However, the accused have taken him to the hospital where they were arrested. Hence he opposed for grant of bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.



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8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate, Perundurai** 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 everyday at 10.30 a.m., until further orders;**

[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



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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.

**27.10.2022**

**(1/3)**

mpl



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**A.D.JAGADISH CHANDIRA.,J.**

mpl

To

1. The Judicial Magistrate, Perundurai.
2. The Inspector of Police,  
Perundurai Police Station,  
Erode District.
3. Central Jail,  
Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.

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