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Crl.O.P.No.26286 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26286 of 2022

Krishnamoorthi @ Chinnu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.

(Crime No.824/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.824
of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Thirumavalavan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2022 for the offences punishable under Sections 341, 364(A), 365, 368 and 506(ii) of IPC, in Crime No.824 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that he is running crusher unit in the name and style of Adhibairava Blue Metals at Sappadi Village, Soolagiri Taluk, Krishnagiri District and the allegation is that on 28.07.2020, when the defacto complainant had gone out of his house, the accused have intercepted him in a baleno car, kidnapped and demanded ransom of Rs.5 lakhs. Later, the relatives have arranged for an amount of Rs.80 lakhs and thereafter, he was released. Subsequently, again on 07.09.2021, the accused had called the defacto complainant through whatsapp call and introduced himself as one of the kidnappers and again demanded ransom. Hence the complaint.



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3.The learned counsel for the petitioner would submit that he is an innocent person and he would submit that the case of a financial dispute between the defacto complainant and A1 has been wrongly projected as a case of kidnap for ransom. He would submit that though the defacto complainant alleges that he has paid a sum of Rs.80 lakhs on 28.07.2020 and he has kept quiet for 1 ½ years and the complaint has been given after 1 ½ years and there is no explanation for the delay. He would further submit that even as per the prosecution, the petitioner is stated to have accompanied A1 other than that there is no specific overtact as against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate would submit that on account of a money dispute, the accused have kidnapped the defacto complainant and thereafter, had taken away an amount of Rs.80 lakhs from him. He would submit that the incident has happened on 28.07.2020 and the complaint has been laid on 17.12.2021, since the accused have once again threatened the defacto complainant. He would further submit that the investigation is still pending and however, he opposed for grant of bail to the petitioner.



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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 submissions of the learned counsel and the allegations against the petitioner and also the nature of the complaint and it is also stated that there is a money dispute between the defacto complainant and A1, 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Hosur, Krishnagiri District**, 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;



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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]**;

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

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate No.I,
Hosur, Krishnagiri District.
- 2.The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
3. The Sub Jail,
Hosur.
4. The Public Prosecutor,
High Court of Madras.

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