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Crl.O.P.No.25857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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

Crl.O.P.No.25857 of 2022

Udhaya @ Kari Udhaya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvallur Town Police Station.
Thiruvallur District.

(Crime No.406/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.406
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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 22.09.2022, for the offences punishable under Sections 147, 148, 341, 342, 294(b), 323, 506(ii) and 364(A) of IPC in Crime No.406 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 he is running a mobile sales and service shop and on 21.09.2022, when the sales man was returning to hand over the keys to the de-facto complainant after closing the shop, the petitioner along with the other accused kidnapped him and taken him to a secluded place and demanded the de-facto complainant a ransom of Rs.20,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application before this Court and the earlier application has been dismissed as withdrawn as the petitioner has got some previous cases. He would also submit that the main accused in this case A1 and A2 has been detained under Act 14 and the similarly placed co-accused



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have been granted with bail by the learned Principal District and Sessions Judge, Tiruvallur in Crl.M.P.Nos. 4268 & 4101 of 2022 vide orders dated 19.10.2022 and 20.10.2022 respectively. He would also submit that the petitioner is aged about 21 years and since he happens to be the friend of the main accused, he has been included in this case. He would also submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with the other accused kidnapped the sales man working in the de-facto complainant's shop and demanded the de-facto complainant a ransom of Rs.20,000/-. He would also submit that the petitioner there are 3 previous cases pending as against the petitioner. Therefore, 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.



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6. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner and also considering the age of the petitioner, 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** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tiruvallur**, 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 everyday at 5.30p.m., until further orders;



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[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]***;

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

31.10.2022

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To

- 1.The Judicial Magistrate No.I,
Thiruvallur.
- 2.The Inspector of Police,
Thiruvallur Town Police Station.
Thiruvallur District.
- 3.The Central Jail,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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