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Crl.OP.No.25797 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.OP.No.25797 of 2022

1.Tamilzhazhagan
2.Velmani

...Petitioners

Vs.

State rep. by its
The Inspector of Police,
Srimushnam Police Station,
Cuddalore.
(Crime No.405/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail arrested in Crime No.405 of
2022 (on the file of the Inspector of Police Srimushnam Police Station,
Cuddalore pending investigation of this case.

For Petitioners : Mr.T.Vijayan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.10.2022 for the offences punishable under Section 384 of IPC @ 147, 120-b, 363, 341, 384, 323 and 506(i) of IPC, in Crime No.405 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to civil dispute, on the instigation of A8, the petitioners have kidnapped the *de-facto* complainant's husband and taken away amount of Rs.5,000/- from him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false complaint has been given against them. In fact, the *de-facto* complainant's husband had borrowed a sum of Rs.5,00,000/- from the co-accused/A8 and when A8 asked for return of amount, a false complaint has been filed. He would further submit that there is no previous case pending as against the



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petitioners and only based on a financial dispute, a false complaint has been given as against the petitioners. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed on them and he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners are henchmen of A8 and there was a financial dispute between A8 and the *de-facto* complainant. Due to which, A8 engaged these petitioners to kidnap the *de-facto* complainant's husband and demanded money. The petitioners along with other accused kidnapped the *de-facto* complainant's husband and taken away Rs.5,000/-. He would further submit that there is no previous case pending against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

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



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6. Taking into consideration the facts and submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.

7. 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 No.II, Virudhachalam** 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. and 5.30 p.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



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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 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.

27.10.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

1.The Judicial Magistrate No.II,
Virudhachalam.

2.The Inspector of Police,
Srimushnam Police Station,
Cuddalore.

3.Sub Jail, Virudhachalam.

4.The Public Prosecutor,
High Court of Madras

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