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CrI.O.P.No.25994 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

CrI.O.P.No.25994 of 2022

Dinesh @ Gowtham

... Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.259 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending investigation of the case in
the Crime No.259 of 2022 on the file of the Respondent.

For Petitioner : Mr.M.Vijaya Ragavan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.10.2022 for the offences punishable under Section 395 of IPC in Crime No.259 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Prakash is that the accused threatened to kidnap his daughter and demanded an amount of Rs.20,00,000/- as ransom and however, the *de-facto* complainant has paid Rs.5,000/- by way of amount transfer. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since the respondent police suspect him as a friend of one Surutaiyan. He would further submit that the petitioner has no bad antecedent and two cases were registered by the respondent police against the petitioner on the same day. He would also submit that there was a financial dispute between the petitioner and the *de-facto* complainant, therefore a false case has been foisted against him. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with A1 and his friends threatened the *de-facto* complainant that they would kidnap his daughter and demanded money of Rs.20,00,000/-, however the *de-facto* complainant had paid only an amount of Rs.5,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

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

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

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**



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thousand only) with two sureties, each for a like sum to the satisfaction of **learned Judicial Magistrate, Komarapalayam** 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 10.30 a.m. and 5.30 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



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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

mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate, Komarapalayam.
2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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