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Crl.O.P.Nos.28446 & 28534 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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

Crl.O.P.Nos.28446 & 28534 of 2022

Murali

... Petitioner in Crl.O.P.No.28446 of 2022

A.Arul Kumar

... Petitioner in Crl.O.P.No.28534 of 2022

Vs.

The State represented by,
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.

(Crime No.322/2022).

... Respondent in Both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in connection with the Crime No.322 of 2022, pending investigation on the file of the respondent Police.

In Crl.O.P.No.28446 of 2022,

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)



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In Crl.O.P.No.28534 of 2022 ,

For Petitioner : M/s. R.Radha Pandiyan
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.09.2022, for the offences punishable under Sections 364(A), 341, 342, 506(i) r/w 34 of IPC, in Crime No.322 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Sivakumar is that the accused had kidnapped the minor son, aged about 15 years, of the de-facto complainant and had demanded a ransom of Rs.1 crore. Based on his complaint, the case has been registered for the offence under Section 364 A IPC and later, during the course of investigation, it was found that the accused who are known to the de-facto complainant, on account of the financial dispute had kidnapped his son and demanded money, thereby, the offence has been altered to one under Sections 364(A), 341, 342, 506(i) r/w 34 of IPC. Hence the case.



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3. Learned counsel appearing for the petitioner in Crl.O.P.No.28534 of 2022 submitted that the petitioner, who has been arrayed as A2 in this case, is an innocent person and he has been falsely implicated in this case. He further submitted that there was a financial dispute between A1 and the de-facto complainant and due to which, a false complaint has been given against the petitioner, since he happens to be the friend of one Sathish Kumar (A1). He also stated that the de-facto complainant's son has been recovered on the next day. He reiterated that a case of financial dispute has been projected as a case of kidnapping for ransom. He also stated that the petitioner is in custody from 22.09.2022, hence, he prayed to grant bail to the petitioner.

4. Learned counsel appearing for the petitioner in Crl.O.P.No.28446 of 2022 adopted the arguments of the learned counsel appearing for the petitioner in Crl.O.P.No.28534 of 2022. He further submitted that the petitioner in Crl.O.P.No.28446 of 2022, who is arrayed as A6 in this case is an innocent person and he has been falsely implicated in this case, since he happens to be the driver of A1. He further submitted that



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the petitioner is in custody from 22.09.2022 and there is no previous case as against the petitioner. Hence, he prays for grant of bail to the petitioner.

5. The Government Advocate (Crl.Side) appearing for the respondent police submitted that on the complaint given by the de-facto complainant the case has been registered under Section 364(A) IPC and later during the course of investigation, it was found that the petitioners herein driver and friend of A1 respectively along with other accused had kidnapped the de-facto complainant's son and demanded Rs.1crore from him, thereby, the case has been altered to one under Sections 364(A), 341, 342, 506(i) r/w 34 of IPC. He also stated that the de-facto complainant's son has been secured on the next day. He further submitted that there is no previous case as against these petitioners, however, he vehemently opposed to grant bail to the petitioners.

6. 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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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Palacode, Dharmapuri**, 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;



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[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 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.

22.11.2022

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To

1. The Judicial Magistrate,
Palacode, Dharmapuri.
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
3. The District Prison,
Dharmapuri.
4. The Sub Jail,
Dharmapuri.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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