



Crl.O.P.No.28736 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

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1. Santhosh

2. Viji

.....Petitioners

Vs.

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

(Crime No.322/2022).

...Respondent

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

For Petitioner : Mr.M.R.Elavarasan

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 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 petitioners along with other 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.

3. Learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that, due to financial dispute, false complaint



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has been given against the petitioners. He would further submit that the petitioners had facilitated the other accused, other than that, there is no specific overt act as against the petitioners. He would also submit that similarly placed accused have been granted bail by this Court in Crl.O.P.Nos.28446 and 28534 of 2022 dated 23.11.2022. He further submitted that the petitioners are 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.

4. The learned 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 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.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) 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 considering the period of incarceration undergone by the petitioners and also considering that the co-accused had been enlarged on bail, this Court is inclined to grant bail to the petitioners with certain conditions.

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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Principal District Judge, 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;



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[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;

[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.

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A.D.JAGADISH CHANDIRA.,J.

Sma

To

1. The Principal District Judge,
Dharmapuri.
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
3. The Sub Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

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