



Crl.O.P.No.29033 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.11.2022**

CORAM

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

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1.Jayakumar
2.Vijay

... Petitioners

Vs.

State Rep by
The Inspector of Police,
Pallipattu Police Station,
Tiruvallur District.
(Crime No.147 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in connection with Crime No.147 of
2022 on the file of the respondent police.

For Petitioners

: Mr.R.Ezhilarasan

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 04.11.2022 for the offences punishable under Sections 341, 366 of IPC r/w 4 of TNPWH Act, in Crime No.147 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl and her mother had gone to the jewellery shop at Pallipattu. At that time, the petitioners had waylaid the victim girl and attempted to kidnap her by dragging inside the car. When the mother of the victim tried to save her, the petitioners had pushed her down and thereafter, the victim girl raised a hue and cry, due to which, she was saved by the passers-by. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would submit that the first petitioner was having affair with the victim girl and she was also agreed to the marriage proposal. Both of them



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had gone to the jewelery shop to purchase jewels, at that time, the relatives of the victim, had taken her away and compelled her to give a false case against the first petitioner as if he had attempted to kidnap her. He would further submit that the second petitioner has been unnecessarily roped in this case, since he happens to be friend of the first petitioner. The petitioners are ready to abide by any stringent conditions imposed by this Court. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners had waylaid the victim girl and attempted to kidnap her. He would submit that there are no previous cases pending against the petitioners. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.



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6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also the period of incarceration suffered by the petitioners from 04.11.2022, 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 the **learned District Munsif cum Judicial Magistrate, Pallipattu** 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 stay at Chengalpattu and report before the Chengapattu Police Station daily at 10.30 am and 5.30 pm for a period of one month and thereafter report before the respondent police station daily at 10.30 am until further orders.



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The petitioners shall not enter into the jurisdictional limits of respondent for a period of one month;

[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 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.

25.11.2022

shk



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A.D.JAGADISH CHANDIRA,J.

shk

To

1. The learned District Munsif cum Judicial Magistrate, Pallipattu
2. The Inspector of Police,
Pallipattu Police Station,
Tiruvallur District.
3. The Sub Jail,
Tiruttani
4. The Public Prosecutor,
High Court of Madras.

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