



Crl.O.P.No.29123 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.11.2022**

CORAM

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

Crl.O.P.No.29123 of 2022

M.Satheesh Kumar

... Petitioner

Vs.

The State Rep. By Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.322 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 the above said
Crime No.322 of 2022 on the file of the Inspector of Police, Palacode Police
Station, Dharmapuri District.

For Petitioner

: Mr.B.Thirumalai

For Respondent

: Mr.C.E.Pratap,
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2022, for the offences punishable under Sections 341, 342, 364(A) and 506(i) r/w Section 34 of IPC, 1860, 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 341, 342, 364(A) and 506(i) r/w 34 of IPC. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner, who has been arrayed as A1 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 the petitioner and the de-facto complainant and due to which, a false complaint has been given against the petitioner as if he had kidnapped the defacto complainant's son. He also stated that the de-facto complainant's son has been secured on the next day. He reiterated that a case of financial dispute has been projected as a case of kidnapping for ransom. He submitted that the co accused in this case have been granted bail by this Court in Crl.O.P.Nos.28446 & 28534 of 2022 dated 22.11.2022. He also stated that the petitioner is in custody from 22.09.2022, hence, he prayed to grant bail to the petitioner.

4. 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 petitioner along with



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other accused had kidnapped the de-facto complainant's son and demanded Rs.1 crore 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 petitioner, 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.

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 petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

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) 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 am and 5.30 pm 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



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in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

A.D.JAGADISH CHANDIRA,J.

shk

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

25.11.2022

shk

To

1. The learned Judicial Magistrate, Palacode, Dharmapuri
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
3. The Central Prison,
Salem
4. The Public Prosecutor,
High Court of Madras.

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