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Crl.O.P.No.29576 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

Crl.O.P.No.29576 of 2022

1.Mayilananthan
2.Arjun

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Cr. No.309 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.309 of 2022 pending
investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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 07.11.2022 for the offences punishable under Sections 294(b), 363, 342, 395 & 506(ii) of IPC in Crime No.309 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the co-accused had kidnapped the two victims and extorted Rs.2,000/- from them. When it was questioned by the *de-facto* complainant, they had abused and intimidated him. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seeks for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally 6 accused, in which the petitioners are arrayed as A5 & A6. The petitioners along with the co-accused had kidnapped the two victims and extorted Rs.2,000/- from them. When it was questioned by the *de-facto* complainant, they had abused and intimidated him. He would further submit that an amount of Rs.2,000/- has been recovered and there is no previous case against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel. Perused the materials available on record.

6. Taking into consideration the facts and submissions made by the learned counsel, 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



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of learned Judicial Magistrate, Kumarapalayam, 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. and 5.30 p.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].



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

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A.D.JAGADISH CHANDIRA, J.

mpl

To

1. The Judicial Magistrate,
Kumarapalayam.
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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