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Crl.O.P.No.31630 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.31630 of 2022

R.Vinoth Kumar,
S/o.Raja

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
R-5 Virugambakkam Police Station,
Virugambakkam,
Chennai-87.
(Crime No.764 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.764 of 2022 pending on the file of respondent police.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.12.2022 for the alleged offence under Section 147, 148, 294(b), 342, 364, 394 and 506(ii) of I.P.C. in Crime No.764 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that there was money dispute between one Madhuraj and accused Karthik. Madhuraj is owner of ATM production entered into a movie distribution release of picture SHO acted by comedy actor Yohibabu and there was an arrear of distribution payment pending from Madhuraj side for a sum of Rs.1 crore and there was a dispute from the year of 2021. The defacto complainant is working as Manager under Madhuraj. On 03.12.2022, the petitioner along with other accused kidnapped the defacto complainant and one Benzer, confined in a house, abused them in vulgar language and also attacked them by using wooden log and demanded to settle Rs.1 crore to them, which was pending from the year of 2021. Since he has not paid the amount, they have taken a photo and video as he is consuming alcohol



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and took naked post with one girl and threatened them that they will tarnish his name if he approached police in this regard. Thereafter, the defacto complainant and Benzer transferred a sum of Rs.70,000/- to his account and thereafter they dropped them at Tambaram bus stand. Subsequently, they took treatment in the hospital. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that this is a put up false story and the defacto complainant proved he is director of the above script with an intention not to settle the distribution amount. He would submit that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 15 days from 06.12.2022. Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 11 accused and the petitioner is arrayed as A2. He would submit that A2, A3, A7 and A9 were arrested and they are still in judicial custody and others are absconding. He would submit that due to money dispute, the petitioner along with other accused kidnapped the defacto complainant and one Benzer and dropped them on the same day. He would submit that A2 is claiming himself as an Advocate and A1 is in Singapore. He would submit that there is no injury caused to them and no previous case pending against him. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that there is no previous case against the petitioner and the investigation almost completed and considering the nature of offence committed by the petitioner and also considering the period of



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incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate Court at Saidapet**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months and thereafter, on every Saturday at 10.30 a.m. for another period of two months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;



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(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.12.2022

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To

1. The XXIII Metropolitan Magistrate Court at Saidapet.
2. Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai-87.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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