



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/02/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.738 of 2022

1. Karuthapandi
2. Manikandan
3. Ramesh
4. Augustin Raja ... Petitioners/Accused No.1 to 4

Vs

The State Rep. By,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Cr.No.1006 of 2021. ... Respondent/Complainant

For Petitioners: Mr.Sulthan Basha, Advocate.
for M/s.Ajmal Associates,

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

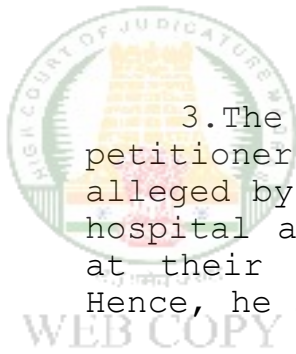
PRAYER :-

For Bail in Crime No. 1006 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested on 17.12.2021 for the alleged offence under Section 364 (A) IPC in Crime No.1006 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the on 14.12.2021, the petitioners along with other accused kidnapped the husband of the defacto complainant for gain and subsequently on 15.12.2021 at about 01.30PM, they had threatened the defacto complainant through phone, introduced as Policemen and informed that her husband has not obtained bail from the court, regarding his case, for which, the defacto complainant replied that her husband has not involved in any criminal case. In the said conversation, the accused persons demanded Rupees Six Lakhs for the release of her husband. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any such offence as alleged by the prosecution, that the injured was discharged from the hospital and that the petitioners are not having any previous case at their credit. The petitioner are in custody from 17.12.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital, that the petitioners are not having any previous case and that the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also the facts that the injured was discharged from the hospital, that the petitioners are not having any previous case for the property offence or for any serious offence, and that the petitioners are in judicial custody from 17.12.2021, this Court is not inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a 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 Judicial Magistrate No.II, Kovilpatti, and on further condition 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 daily at 10.30 a.m, for a period of one month and thereafter, as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE OFFICER-INCHARGE,
PERURANI DISTRICT PRISON, THOOTHUKUDI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.738 of 2022
Date :09/02/2022

USK/SBN/SAR-II/10.02.2022/3P/6C