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CRL OP(MD). N



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

Date : 27/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17246 of 2022

1. Vijay

2. Naveen

... petitioners / Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,
Thennilai Police Station,
Karur District.
(Crime No.297/2021).

... Respondent/Complainant

For petitioners : M/s.Pandiyaraj S,
Advocate.

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.297/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused herein, who were arrested on 07.12.2021 for the alleged offence under Sections 379, 364(A) IPC @ 379, 364 (A), 302 IPC, in Crime No.297 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.12.2021 at about 11.00pm., while the deceased was in crusher unit, the accused persons, who are the drivers of the deceased, worn face masks and turban came to the unit and stolen Rs.55,000/- cash from the office and they kidnapped the deceased from his tipper unit, in his lorry and demanded Rs.1 Crore to release him. Both the accused persons brutally attacked him. The first accused caused cut injuries to the deceased and the second accused stabbed the deceased on his neck

<https://www.tn.hi.gov.in/fds>, thereby caused death to him. Hence, the complaint.



3. On the side of the petitioners, it is stated that the petitioners are innocent and not committed any offence as alleged by the prosecution. In this case, the petitioners are in custody from 06.12.2021 and in this case investigation has been completed and charge sheet also filed. Against the accused persons, proceedings under Act 14 was also quashed by this Court. Hence, prays to release the petitioners on bail.

4. On the side of prosecution, it is stated that in this case the accused persons abducted the deceased in his own lorry and demanded ransom amount of Rs.1 Crore and also committed murder. After completion of investigation, in this case charge sheet was filed and the same was taken on file as PRC No.4 of 2022, on the file of District Munsif cum Judicial Magistrate, Aravakurichi. Hence, prayed to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed and the same was taken on file as PRC No.4 of 2022, on the file of District Munsif cum Judicial Magistrate, Aravakurichi and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Aravakurichi.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall appear before the lower Court on all hearings without fail;

(iii) the petitioners shall not tamper with evidence or witness;

iv) the petitioners shall not abscond during trial.

v) 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].



vi) If the accused thereafter absconds, a fresh FIF registered under Section 229A IPC.

sd/-
27/09/2022

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARAVAKURICHI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY, TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE
THENNILAI POLICE STATION, KARUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.YESUSUBANATH, Advocate (SR-10548[I] dated 27/09/2022)

ORDER
IN
CRL OP(MD) No.17246 of 2022
Date :27/09/2022

PNM
MK/SBN/SAR.IV/27.09.2022/3P/7C