



WEB COPY

CRL OP(MD). N



22

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

Date : 08/11/2022

PRESENT

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

CRL OP(MD) . No.19691 of 2022

1. Vinothkumar

2. Jeyaseelan

3. B.Karthikeyan

4. Raghavan

... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Sessions Court Police Station,
Trichy Town.
Cr.No.750/2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji A,
Advocate.

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

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

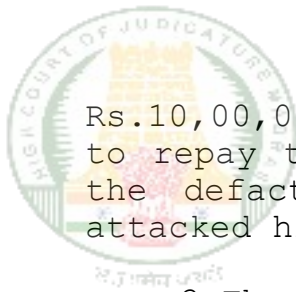
PRAYER :-

For Bail in Crime No. 750/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners /Accused, who were arrested and remanded to judicial custody on 20.10.2022 for the offences punishable under Sections 364, 342, 323 and 506(ii) IPC, in crime No.750 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complaint is
<https://www.mca.gov.in/> online business and that he has received a sum of



Rs.10,00,000/- from A2 to A4 through A1 and subsequently to repay the same. In such circumstances, the petitioners abducted the defacto complainant and took the amount from him and also attacked him brutally. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 20.10.2022 and hence, he may be granted bail.

4.The learned Government Advocate (Crl. Side) would submit that totally four accused involved in this case and the petitioners herein have kidnapped the defacto complainant and demanded the amount, which was received by him and also attacked him brutally. He would further submit that three witnesses have been examined and the investigation of the case is pending and he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy.

(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) Each of the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.750 of 2022, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii) the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders;

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

v)the petitioners shall not abscond during trial.

vi)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 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/11/2022

/ TRUE COPY /

/11/2022

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

trp

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY TOWN.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-12622[I] dated 08/11/2022)

ORDER

IN

CRL OP(MD) No.19691 of 2022

Date :08/11/2022

RK/SSS/SAR-3 (09/11/2022) 3P/7C