



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20781 of 2022

1. Esakkiyappan @ Dhanush,

2. Sudalaiyandi,

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli District.
Cr.No.455/2022.

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N,
Advocate.

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

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

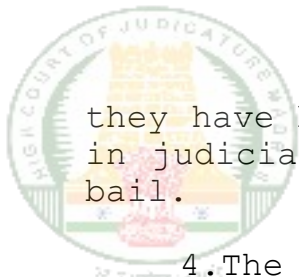
PRAYER :- For Bail in Crime No.455/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A6 & A7, who were arrested and remanded to judicial custody on 10.11.2022 for the offences punishable under Sections 294(b), 364(A) and 506(ii) IPC, in crime No.455 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the husband of the de-facto complainant borrowed Rs.10,000/- from A1 and returned Rs.6,000/-. For the remaining amount, often A1 demanded, since he did not paid the same. On 09.11.2022, the accused persons kidnapped the de-facto complainant's husband and thereafter, made a call to the de-facto complainant and threatened to pay Rs.15,000/- through G-pay to A1 or otherwise they would kill her husband. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and their name was not mentioned in the FIR and only based on the confession statement of the co-accused,



they have been arrayed as accused in this case. The petitioners are in judicial custody from 10.11.2022, hence they may be released on bail.

4.The learned Additional Public Prosecutor would submit that due to money dispute between the parties, the said occurrence was happened and the victim was secured. He would further submit that six witnesses have been examined and major part of the investigation is almost over. The petitioners are having no previous case. However, considering the gravity of offence, 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 and also the facts that the petitioners are not having any bad antecedents and six witnesses have already been examined, this Court is inclined to grant bail to the petitioners with 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 learned Judicial Magistrate Court, Radhapuram, Tirunelveli District, and on further conditions that:

(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 report before the respondent police daily at 10.30 a.m., until further orders;

(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].

sd/-

24/11/2022

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24/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
KODANKULAM,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.13596

ORDER

IN

CRL OP(MD) No.20781 of 2022

Date :24/11/2022

SJI

SA/SSS/SAR. /24.11.2022/3P/7C