



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.20817 of 2022

Subireswaran

... Petitioner/8th Accused

Vs

The State rep.by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(In Crime No.455/2022).

... Respondent/Complainant

For Petitioner : M/s.Sivabalan K,
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 petitioner/A8, who was arrested and remanded to judicial custody on 10.11.2022 for the offences punishable under Sections 294(b), 364(A) and 506(2) IPC, in crime No.455 of 2022 on the file of the respondent police, seeks 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 petitioner would submit that the petitioner is innocent and his name was not found in the FIR and the petitioner was wrongly roped in the present case. The petitioner is in judicial custody from 10.11.2022, hence he 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 petitioner is having no previous case. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the petitioner is not having any bad antecedents and six witnesses have already been examined, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is 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 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

iv)the petitioner 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 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].

sd/-

24/11/2022

/ TRUE COPY /

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

+1. CC to M/S.SIVABALAN K Advocate SR.No.13613

ORDER

IN

CRL OP(MD) No.20817 of 2022

Date :24/11/2022

SJI

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