



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21625 of 2022

1. Santhakumar
2. Ramathanasan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District
(Crime No. 258 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Anantha Murugan,
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

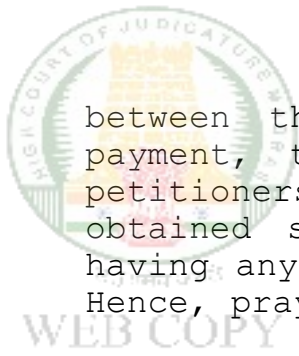
PRAYER :- For Bail in Crime No. 258 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners who were arrested and remanded to judicial custody on 11.11.2022 for the offence punishable under Section Man Missing @ 448, 323, 294(b), 365, 347, 343, 324, 506(ii) of I.P.C, in Crime No. 258 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Kumar is that his son-in-law, who was running a Medical Store was found missing from 08.11.2022. Hence, he lodged a complaint. During the course of investigation, it came to light that the accused, who had financial dispute with the victim/son-in-law, taken him to the house of A1, where they kept him in illegal confinement for a period of four days, brutally assaulted him and also obtained his signatures in bond papers. Later, the victim was rescued.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. There was a money dispute



between the petitioners and the victim and in order to get the payment, the victim's family, lodged a false case against the petitioners, as if, the petitioners kidnapped the victim and obtained signatures in the documents. The petitioners are not having any previous cases and they are in custody from 13.11.2022. Hence, prays to release them on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, the accused persons had kidnapped the victim and confined him in A1's house, tortured and also obtained signatures in blank bond papers. In this case, investigation is not yet completed. Hence, he strongly objected to grant bail to the petitioners.

5. Heard both sides. Taking into consideration of the facts and submissions made by the learned counsels and that the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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, Aruppukkottai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall stay at Trichy and appear before the Contonement Police Station daily at 10.30 a.m., and 05.30 p.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 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];



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2022

WEB COPY

/ TRUE COPY /

07/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
CONTONEMENT POLICE STATION,
TRICHY.

+1. CC to M/S. ANANTHA MURUGAN Advocate SR.No.14502

**ORDER
IN**

CRL OP(MD) No.21625 of 2022
Date :07/12/2022

PNM
SA/VR/SAR. /07.12.2022/3P/8C