



Crl.O.P.No.1351 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

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1. Prabakaran,
S/o. Palanisamy
2. Yuvaraj,
S/o. Annadurai
3. Naveenkumar,
S/o. Krishnan
4. Gowtham,
S/o. Mani
5. Manimaran,
S/o. Sambath

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Fairlands Police Station,
Salem Dt.
(Crime No.742 of 2022)

.. Respondent



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PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.742 of 2022 on the file of respondent police.

For Petitioners : Mr.S.Muthukoodalingam

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.11.2022 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 364A and 506(ii) of I.P.C. in Crime No.742 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 01.11.2022 around 07.30 p.m., when the defacto complainant was talking with his friend, at that time, the petitioners along with other accused waylaid the defacto complainant and abused them with filthy language and also assaulted the with iron rods and plastic pipe and subsequently, they kidnapped them and also criminally intimidated them. Hence, the complaint was registered against the petitioners.



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3. The learned counsel for the petitioners submitted that this is the second petition seeking for bail. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would also submit that earlier they were detained under Act 14 of 1982 and the same was revoked by the Government of Tamil Nadu vide order dated 21.12.2022. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 98 days from 09.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that all the petitioners are having five previous cases and the earlier order of detention was revoked by the Government vide an order dated 21.12.2022. He would submit that on the date of occurrence, they waylaid the defacto complainant and his friend and abused them and also assaulted them with iron rod and also criminally



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intimidated them. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that the earlier order of detention was revoked by the Government vide order dated 21.12.2022 and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. 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) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Salem**, and on further conditions that:

(a) 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



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Pass Book to ensure their identity;

(b) the petitioners shall stay at Tirunelveli District and report before the Inspector of Police, Palayamkottai Police Station daily at 10.30 a.m. for period of six weeks;

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

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

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

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

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

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1. The Judicial Magistrate No.2,
Salem.
2. Inspector of Police,
Fairlands Police Station,
Salem Dt.
3. The Superintendent of Prison,
Sub-Jail, Salem.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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