



Crl.O.P.No.3278 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2023

CORAM :

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

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1. Baskar,
S/o. Manivel
2. Karthikeyan,
S/o. Manivel
3. Tamilarasan,
S/o. Palanisamy

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri Dt.
(Crime No.119 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.119 of 2022 on the file of respondent police.



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For Petitioners : Mr.J.Bharathi Raja
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.12.2021 for the alleged offence under Sections 364 (A) of I.P.C. and it was subsequently altered into Sec.364(A), 147, 148, 365, 323, 324, 343, 347, 120(B) of I.P.C., in Crime No.119 of 2022 on the file of the respondent police, seeks bail.

2. The cause of prosecution is that on 12.12.2022, the petitioners along with other accused said to have kidnapped the victim Viswanathan when he was out of home at Pennagaram and his mobile number was also switched off, and they have called the defacto complainant, who is wife of victim and informed her that they abducted her husband and demanded a sum of Rs.80 lakhs to free him. Hence, the complaint was registered against the petitioners.



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3. The learned counsel appearing for petitioners submitted that this is the second petition seeking for bail. He would submit that both the victim and petitioners have some business dealings, thereby, the victim took a sum of Rs.3 lakhs from the petitioners with an intention to cheat them. When the petitioners requested to return the amount, he refused to return the same and hence, in order to cheat the petitioners of their hard-earned money, the victim set up his wife and lodged the present complaint. He would submit that there is no specific overtact against them and they are innocent persons and they are no way connected with the offence and they have not committed any of offence as alleged by the respondent police. He would also submit that they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would also submit that the petitioners have been suffering incarceration for more than a year from 17.12.2021. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 9 accused involved in this case and the petitioners are arrayed as A3, A4 and A5 and A7, A8 and



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A9 are still absconding. He would submit that co-accused/A1 was released on bail. It is a case of kidnap for ransom and they abducted husband of defacto complainant and demanded a sum of Rs.80 lakhs from her. He would also submit that if they are released on bail, they would hamper the investigation and tamper the witnesses and the investigation is not yet completed. However, he would vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and co-accused/A1 was released on bail, no amount was disbursed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner with certain 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, Pennagaram**, and on further conditions that:



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(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 Pass Book to ensure their identity;

(b) the petitioners shall stay at Ramanathapuram District and report before the Town Police Station, Ramanathapuram daily at 10.30 a.m. for the period of two months and thereafter, they shall report before the respondent police on alternative days at 10.30 a.m. for another period of two months;

(c) the petitioners shall not leave India without consent of court concerned.

(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 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate
Pennagaram.
2. Inspector of Police,
Hogenakkal Police Station,
Dharmapuri Dt.
3. The Superintendent of Prison,
District Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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