



Crl.O.P.No.3422 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2023

CORAM :

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

Crl.O.P.No.3422 of 2023

Manoj,
S/o.Yogaraj

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
E1 Ooty Rural Police Station,
The Nilgiris.
(Crime No.4 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.4 of 2023 pending on the file of respondent police.

For Petitioner : Mr.K.Balasubramaniam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.01.2023 for the alleged offence under Sections 149, 294(b), 323, 343, 364(A), 387 and 506(ii) of I.P.C. in Crime No.4 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 04.01.2023 at about 12.00 p.m. when the defacto complainant went along with his friend to meet one Rajesh through Madhan and after entering his house, the defacto complainant and his friend said to have wrongfully confined by the petitioner along with other accused and threatened them to cause death or to pay a ransom of Rs.3 lakhs, thereby, they have received gold ornaments and Rs.6,00,000/- was deposited to the account number mentioned by them and they have also forcibly taken a car, a laptop, and a wrist watch from him and his friend. Hence, the complaint was registered against the petitioner.



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3. The learned counsel appearing for petitioner submitted that his name is not found in the F.I.R. So, the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any offence as alleged by the respondent police and due to the false confession given by A2 and A3 and due to previous vengeance, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 22 days from 23.01.2023. 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 8 accused involved in this case and the petitioner is arrayed as A6. He would submit that the petitioner along with other accused have kidnapped defacto complainant and his friend and demanded ransom of Rs.3 lakhs, thereby they have received gold ornaments and a sum of Rs.6 lakhs was deposited in his



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account and also taken a car, wrist watch, a laptop from them. He would submit that entire amount as well as a car were recovered from them and co-accused/A1 released on bail. He would submit that if he is released on bail, he would 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 entire amount as well as car was recovered from them and co-accused was released on bail 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 petitioner is 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, for a like sum to the satisfaction of the **learned Judicial Magistrate, Udhagamandalam**, 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 petitioner shall stay at Tirunelveli District and report before the Inspector of Police, Palayamkottai Police Station daily at 10.30 a.m. for the period of two months;

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

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner



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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.

15.02.2023

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To

1. The Judicial Magistrate,
Udhagamandalam.
2. Inspector of Police, El Ooty Rural Police Station,
The Nilgiris.
3. The Superintendent of Prison,
Sub-Jail, Ooty.
4. The Public Prosecutor, High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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