



Crl.O.P.No.3335 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2023

CORAM :

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

Crl.O.P.No.3335 of 2023

1. Alexander
S/o. Antony Raj
2. Murali Krishnan,
S/o. Krishnasamy

... Petitioners

Vs.

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of

Criminal Procedure Code to enlarge the petitioners on bail in Crime No.4
of 2023 pending on the file of respondent police.

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



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 11.01.2023 for the alleged offence under Sections 149, 294(b), 323, 343, 364(A), 387 and 506(part 11) of I.P.C. in Crime No.4 of 2023 on the file of the respondent police, seek 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 petitioners 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.1,50,000/- from his wife and a sum of Rs.5,50,000/- from the defacto complainant friend's wife 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 petitioners submitted that the entire allegation is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and due to the false confession given by A2 and A3 and due to previous vengeance, they have been falsely implicated in this case and they 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 petitioners have been suffering incarceration for more than 26 days from 11.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioners are arrayed as A4 and A5. He would submit that the petitioners 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.1,50,000/- from the defacto complainant's wife and a sum of Rs.5,50,000/- from his friend's wife and also take a car, wrist watch, a laptop from them. He would submit that so far, a sum of Rs.3 lakhs recovered from them and the remaining



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amount of Rs.3,50,000/- is yet to be recovered and no previous case pending against them. He would submit that if they are 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 a sum of Rs.3 laksh was recovered from them and no previous case pending against them 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 **directed to deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) each in Crime No.4 of 2023 before the concerned Magistrate from the date on which this order is made ready and the defacto complainant is permitted to withdraw the said amount on filing undertaking affidavit and on production of proper identification and acknowledgement and on**



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such deposit, 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 Court, Ooty**, 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 Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. for the period of two months;

(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



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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.

14.02.2023

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To

1. The Judicial Magistrate, Ooty.
2. Inspector of Police, E1 Ooty Rural Police Station
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras, Chennai.

T.V. THAMILSELVI, J.



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Crl.O.P.No. 3335 of 2023

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