



Crl.O.P.No.6826 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.6826 of 2023

Naveen Kumar Patel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
North Police Station,
Erode District.

(Crime No.291 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in S.C.No.17 of 2020, on
the file of the learned Principal District and Sessions Judge, Erode.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



Crl.O.P.No.6826 of 2023

on 12.04.2019, for the offence punishable under Sections 364(A), 342, 302 and 201 of IPC, in S.C.No.17 of 2020 in connection with Crime No.291 of 2019, registered on the file of the respondent police, seeks bail.

2. One, Prabhakaran, who is the Manager of the MSK Minerals has lodged a complaint stating that one Nithish Kumar, who was a load man in the said Company, was missing from 07.04.2016 and thereby, based on his complaint, a “Man Missing” case in Crime No.31 of 2019 was registered by the Guziliyamparai Police Station, Dindigul, on 07.04.2019. Subsequently, during the course of investigation, it came to light that the accused had kidnapped the victim, demanded ransom from his family members and committed the murder of the victim/deceased. Meanwhile, the body of the victim/deceased was found in a house backside to Mariyamman Temple, which comes under the jurisdiction of the respondent Police Station. Thereby, the case in Crime No.291 of 2019 came to be registered by the respondent Police for the offence under Sections 364A, 342, 302 and 201 of IPC. Hence the case.



Crl.O.P.No.6826 of 2023

3. Learned counsel appearing for the petitioner submitted that this is the third application for bail filed by the petitioner and the earlier applications were dismissed by this Court in Crl.O.P.No.4788 of 2022 on 01.03.2022 and Crl.O.P.No.11572 of 2023 on 18.05.2023. He further submitted that the petitioner, who is a resident of Bihar, is an innocent person and he has been falsely implicated in this case. He further submitted that the co-accused namely A2 in this case, has been granted bail by this Court in Crl.O.P.No.8647 of 2021 on 06.05.2021 and the petitioner is in custody from 12.04.2019. He also submitted that the petitioner, to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.5 lakhs, before the Court concerned. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the accused had kidnapped the victim/deceased, demanded ransom from his family members and committed the murder of him. He further submitted that the petitioner is the resident of Bihar, thereby, if the bail is granted to the petitioner, it is difficult for the



Crl.O.P.No.6826 of 2023

respondent to secure him. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by this petitioner and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.5 lakhs to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.5 lakhs (standing in the name of the petitioner or his relatives) to the credit of Crime No.291 of 2019**, without prejudice to his rights and



Crl.O.P.No.6826 of 2023

contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Erode**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned Principal District and Sessions Judge, Erode, on all hearing dates, without fail;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned 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 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]***;



WEB COPY



Crl.O.P.No.6826 of 2023

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

17.05.2023

vkrr

To

1. The Principal District and Sessions Judge,
Erode.
2. The Inspector of Police,
North Police Station,
Erode District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor, High Court of Madras.
5. The Judicial Magistrate No.I,
Erode.



WEB COPY



Crl.O.P.No.6826 of 2023

A.A.NAKKIRAN,J.

vkr/ham

Crl.O.P.No.6826 of 2023

17.05.2023