



Crl.O.P.No.18466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.18466 of 2023

1.Gopi
2.Murugan

...Petitioners

Vs.

State Rep by
The Inspector of Police,
Vellavedu Police Station,
Vellavedu,
Thiruvallur District.
Crime No.439 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.439 of 2023 on the file of the respondent.

For Petitioners : Mr. G.Senthil Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.07.2023 for the offence punishable under Sections 147, 341, 364(A), 506(i) of IPC in Crime No.439 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No. 439 of 2023 for the offence under Sections 147, 341, 364(A), 506(i) of IPC. Petitioners are innocents. Petitioners are in judicial custody from 17.07.2023. Therefore, he prays for grant of bail to the petitioners.

3. In response, learned Additional Public Prosecutor submitted that, petitioners have invested Rs.95,00,000/- through one Rajesh in IFS company. IFS company had not repaid the money. Petitioners have asked money from Rajesh, but Rajesh was absconding. Then, petitioners kidnapped the cousin of Rajesh namely Umash Doss on 17.07.2023. On the basis of the complaint given by wife of Umash Doss, first information



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report was registered. The investigation in this case is not completed.

Thus, he prays for dismissal of this petition.

4 .Considering the fact that petitioners are in judicial custody from 17.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners with conditions. Accordingly, petitioners are ordered to be released on bail on their executing separate 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.II, Poonamallee** 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 petitioners shall report before the respondent police daily morning at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

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

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To

- 1.The Judicial Magistrate No.II, Poonamallee.
- 2.The Inspector of Police,
Vellavedu Police Station,
Vellavedu,
Thiruvallur District.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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