



Crl.O.P.No.19037 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.19037 of 2023

Velayuthakumar

...Petitioner

Vs.

State Rep by
The Station House officer,
Lawspet Police Station,
Puducherry.
Crime No.64 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/A1 on Bail pending investigation in Crime No.64 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.Raghavan

For Respondent : Mr.K.S.Mohan Doss, Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 09.06.2023 for the offence punishable under Sections 363, 120(b), 506(ii) IPC r/w 34 of IPC and 27(ii) of Arms Acts in Crime No.64 of 2023 on the file of the respondent police, seeks bail.

2.Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered for the offences punishable under Sections 363, 120(b), 506(ii) of IPC read with Section 34 of IPC and Section 27(ii) of Arms Act. Petitioner is in judicial custody from 09.06.2023. He further submitted that, for the incident that is alleged to have happened on 13.04.2023, FIR was registered only on 29.04.2023. Petitioner also lodged a complaint against the defacto complainant. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Public Prosecutor for Pondicherry submitted that, petitioner's daughter and defacto complainant's son fell in love with each other and they eloped. Enraged at this, petitioner



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wanted to eliminate his daughter and her love. Therefore, petitioner planned to kidnap the defacto complainant with an intention to murder him. One Malarvani and Karmegam by introducing themselves as police officials had handcuffed the defacto complainant and had threatened the defacto complainant at gun point and got the address, mobile number of his son and daughter-in-law, however, he escaped from them by raising noise. Co-accused had been absconding and not arrested. This is the second bail petition. However, he seeks for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1. Earlier bail petition in Crl.O.P.No.15609 of 2023 was dismissed on 14.07.2023, on the ground that, investigation is not completed and also having regard to the nature of the offences. Since the dismissal of the earlier bail petition, there is no progress made in the investigation. Respondent has not taken any initiation to arrest other accused and recover the property concerned in this case.



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5. Considering the duration of the judicial custody of the petitioner and the fact that, respondent has not taken any initiation to arrest other accused and recover the property concerned in this case, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their 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, Puduchery** 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 respondent police daily morning at 10.30 a.m., until further orders.

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

[d] the petitioner 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



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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].

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

29.08.2023

gd

To

1.The Judicial Magistrate No.I, Puduchery

2.The Station House officer,
Lawspet Police Station,
Puducherry.

3.The Central Prison,
Kalapet, Puducherry.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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