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Crl.OP.Nos.22668 & 22588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.Nos.22668 & 22588 of 2023

Venkatesan S/o. Rajendiran

... Petitioner/A1 in
Crl.O.P.No.22668 of 2023

1.Pasar M.V.Mathivanan

2.Selvam

...Petitioners/A2 & A3 in
Crl.O.P.No.22588 of 2023

Vs.

State by
The Inspector of Police,
Attur Rural Police Station,
Attur, Salem District.
(Crime No.296 of 2023)

...Respondent in both petitions

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners/Accused 1 2 and 3 on bail concerned in Crime No.296 of 2023 pending on the file of the respondent police.

(In Crl.O.P.No.22668 of 2023)

For Petitioner : Mr.R.Rajan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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(In Crl.O.P.No.22588 of 2023)

For Petitioners : Mr.R.Sidharth

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

COMMON ORDER

The 1st accused had filed Crl.O.P.No.22668 of 2023 and 2nd and 3rd accused had filed Crl.O.P.No.22588 of 2023. All the petitioners/ A1, A2 and A3 seek bail in Crime No.296 of 2023 registered by the respondent police for the offences punishable under Sections 147, 294(b), 392, 363, 506(ii) of IPC later altered to Sections 120(b), 147, 294(b), 364(a), 506(ii) and 392 of IPC and they had been arrested and remanded to judicial custody on 05.09.2023.

2. It is the case of the prosecution that on 04.09.2023, the defacto complainant had stated that he had borrowed a sum of Rs.8,00,000/- from the 1st accused and since he was not able to repay the same, all the accused persons joined together and kidnapped the defacto complainant in a far away place in a car bearing Regn.No.TN-54-T-2131. However, quite fortunately there was no injury caused. In view of that particular



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complaint, the FIR in aforementioned crime number had been registered.

3. The learned counsel for the petitioner in both the petitions stated that due to money dispute between the petitioners and the defacto complainant a false case had been foisted against the petitioners. Hence, he prays for grant of bail to the petitioners.

4. It is stated by the learned Government Advocate (Crl. Side) for the respondent that there is no previous case pending as against the petitioners and no injury had been sustained by the defacto complainant.

5. Taking into consideration the period of incarceration undergone by the petitioners from 05.09.2023 and taking note of the fact that there is no previous case against the petitioners and it appears that it is a case of money borrowal and refusal to repay, this Court is inclined to grant bail to the petitioners in both the petitions with certain conditions;

6. Accordingly, the petitioners are ordered to be released on bail on



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condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Attur, Salem District, 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 everyday at 10.30 a.m., until further orders.

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

[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



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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.

17.10.2023
(1/2)

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To

1.The Judicial Magistrate No.I, Attur, Salem District.

2.Sub-jail, Attur, Salem District.

3.The Inspector of Police,
Attur Rural Police Station,
Attur, Salem District.

4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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