



Crl.O.P.No.26152 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

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

Crl.O.P.No.26152 of 2023
and Crl.M.P.No.18703 of 2023

1.Karthick

2.Arun Pandiyan

... Petitioners/Accused-1 & 3

Vs.

The State represented by
The Inspector of Police,
Thuraipakkam Police Station,
Chengalpattu District.

(Crime No.386 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.386 of 2023 on the file
of the respondent police on such terms and conditions.

For Petitioners : Mr.M.Soundar Vijay Arulram

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

For Intervenor : Mr.S.S.Santhosakumar



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ORDER

The petitioners/A1 and A3 seek bail in Crime No.386 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 323, 342, 364A & 506(i) of IPC. They had been remanded to custody on 02.11.2023.

2. There was an individual called Prem Babu against whom, CCB, Tambaram, had registered a case of cheating, forgery and misappropriation of substantial amount of money. It was the impression created that the defacto complainant was in the possession of that money which had been so misappropriated.

3. It is stated that the accused herein, had kidnapped the defacto complainant with intention to take away the money from him.

4. The defacto complainant had filed an intervening application but very strategically, the learned counsel stated that he had been instructed by the defacto complainant to withdraw the intervening application.



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5.It is clear that all the accused and the defacto complainant have now jointed hands together and there will always be possibility that they are also in collusion with the accused/Prem Babu, who had misappropriated substantial sums of money. These are the issues which will have to be investigated during the course of investigation.

6.In view of all the facts of this particular case, I am inclined to grant bail to the petitioners subject to the following conditions. At the same time, the Court should also put on record the fact that there is always a possibility that the defacto complainant and the present accused had stage managed the entire issue so as to give an impression that there has been the offence committed.

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two fresh sureties, each for a like sum to the satisfaction of the **Judicial Magistrate, Alandur**, and on further conditions that: -



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[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 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.

8.Connected Criminal Miscellaneous Petition/Intervening Petition stands dismissed.

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To

- 1.The Judicial Magistrate, Alandur.
- 2.The Inspector of Police,
Thuraipakkam Police Station,
Chengalpattu District.
- 3.The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.
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