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Crl.O.P.Nos.27340 & 27341 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

Crl.O.P.Nos.27340 & 27341 of 2023

1.Gobinath S/o. Lakshmanan
2.Praveen Raj @ Praveen
S/o. Vellaipandi

... Petitioners/Accused 4 & 5
in Crl.O.P.No.27340 of 2023

Sathish S/o. Radhakrishnan

... Petitioner/Accused-6
in Crl.O.P.No.27341 of 2023

Vs.

The State represented by
The Inspector of Police,
Anuparalayam Police Station,
Tiruppur.
(Crime No.1186 of 2023)

... Respondent
in both Crl.O.Ps.

Common prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.1186 of 2023 on the file of the respondent police on such terms and conditions.

(In Crl.O.P.No.27340 of 2023)

For Petitioners : Mr.M.Murthy

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



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Crl.O.P.Nos.27340 & 27341 of 2023

(In Crl.O.P.No.27341 of 2023)

For Petitioners : Mr.D.Ashok Kumar

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

COMMON ORDER

The petitioners/A4 & 5 have filed Crl.O.P.No.27340 of 2023 and the petitioner/A6 has filed Crl.O.P.No.27341 of 2023. Both in Crime No.1186 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 341, 342, 363, 365, 366, 506(ii) & 120(b) of IPC. All the petitioners herein had been taken into custody on 05.10.2023.

2.The defacto complainant was originally doing rice business along with A2. Thereafter, he shifted his interest to garment business. The rice was procured from A1.

3.It is stated that A1 informed the defacto complainant that he was due and liable to pay a sum of Rs.25,00,000/- but he denied it. It is stated that all these accused had taken him at knife point to Ulundurpet and later to Tiruppur and then, it was informed to the police and they had arrested the accused persons.



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4. Significantly, A1, A2 and A3, who are the prime accused and on whose instigations these accused had committed the offence, are still absconding. They were absconding right from the date of registration of FIR. A1 is doing business, A2 is doing business and A3 is also the local resident. I am not able to understand why the Investigating Officer had not taken A1, A2 and A3 into custody. It is only because of that fact that the bail is denied to these petitioners herein.

5. It is seen that the Investigating Officer is still not taken A1, A2 and A3 into custody. But that cannot be a ground for denial of grant of bail to the present petitioners herein.

6. Taking into consideration the period of incarceration and all other factors, I am inclined to grant bail to the petitioners in both the petitions subject to the following conditions:

7. Accordingly, the petitioners in both the petitions 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 sureties, each for a like sum to the satisfaction of the **Judicial Magistrate Court-III, Tiruppur District**, 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.This Court must express its opinion on the nature of duty discharged or rather not discharged by the Investigating Officer in not taking into custody A1, A2 and A3.

9.A copy of this order may be forwarded to the Superintendent of Police, Tiruppur, to examine the records in Crime No.1186 of 2023, on the



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file of the Anuparpalayam Police Station, Tiruppur District and to examine whether A1, A2 and A3 were deliberately not taken into custody by the Investigating Officer.

07.12.2023

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C.V.KARTHIKEYAN, J.

ata

To

1.The Judicial Magistrate Court-III, Tiruppur District.

2.The Inspector of Police,
Anuparpalayam Police Station,
Tiruppur.

3.The District Jail, Tiruppur.

4. The Public Prosecutor,
High Court of Madras.

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