



Crl.O.P.No.28493 & 28494 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.O.P.No.28493 & 28494 of 2023

Ajay Kumar S/o. Saravanan

...Petitioner/Accused-3
in Crl.O.P.No.28493 of 2023

Manojkumar S/o. Murugalingam

...Petitioner/Accused-1
in Crl.O.P.No.28494 of 2023

Vs.

State represented by
The Inspector of Police,
Veerapandi Police Station,
Tiruppur.

(Crime No.752 of 2023)
Crl.O.Ps

...Respondent in both

COMMON PRAYER:

Criminal Original Petitions filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.752 of
2023 on the file of the respondent police, on such terms and conditions.



WEB COPY



Crl.O.P.No.28493 & 28494 of 2023

(In both Crl.O.Ps)

For Petitioners : Mr.R.Radha Pandian

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

COMMON ORDER

A1 has filed Crl.O.P.No.28494 of 2023 and A3 has filed Crl.O.P.No.28493 of 2023, both in Crime No.752 of 2023 for the offences punishable under Sections 147, 365, 342 and 506(i) of IPC, seek bail. The petitioners had been remanded to custody on 16.10.2023.

2.It is stated that A1 has a business transaction with the husband of the defacto complainant relating to trade in pepper. It is also stated that the husband of the defacto complainant had received a sum of Rs.23,00,000/- and did not repay the amount or supply the pepper. In this connection, they had also lodged a complaint against him and FIR had been registered among other provisions under Section 420 of IPC. Since the amount had not been repaid, the accused persons had in the first



Crl.O.P.No.28493 & 28494 of 2023

instance kidnapped him and relating to that, a FIR in Crime No.198 of 2023 had been registered and they had also obtained bail. After coming out on bail, they again kidnapped him leading to registration of the present FIR in Crime No.752 of 2023.

3.The earlier application seeking bail in Crl.O.P.No.27226 of 2023 had been dismissed on 01.12.2023. The one change in circumstance is that A5, who was absconding had been secured and A6 is still absconding but it is also stated that A2 had been granted bail by the Principal Sessions Court.

4.In view of that fact and the period of incarceration, I am inclined to grant bail to the petitioner in both the Crl.O.Ps., subject to the following conditions:

5.Accordingly, the petitioner in both the Crl.O.Ps., 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 No.IV, Tiruppur,



Crl.O.P.No.28493 & 28494 of 2023

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 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.

22.12.2023

ata



WEB COPY



Crl.O.P.No.28493 & 28494 of 2023

To

1. The Judicial Magistrate No.IV,, Tiruppur.
2. The Central Jail, Tiruppur.
- 3.The Inspector of Police,
Veerapandi Police Station,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28493 & 28494 of 2023

C.V.KARTHIKEYAN. J.
ata

Crl.O.P.No.28493 & 28494 of 2023

22.12.2023