



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3452 of 2023

Ashok Kumar

... Petitioner/Accused NO.6

Vs

State Rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.43 of 2023.

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

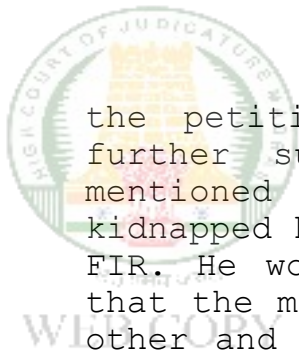
For Bail in Crime No.43 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.6, who was arrested and remanded to judicial custody on 25.01.2023 for the offence punishable under Sections 364(A), 506(ii) IPC and subsequently altered into 364(A), 506(ii) and 395 IPC in Crime No.43 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Kalaiselvan is that while the defact complainant's parents were travelling in a Car one Prem, Kalidass, Ganesan, Karthick and two other accused kidnapped them for ransom of Rs.30 lakhs. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been



the petitioner is also known to other named accused. He would further submit that in the FIR, the defacto complainant has mentioned the names of the persons, who are alleged to have kidnapped his parents and the name of the petitioner is not found in FIR. He would also submit that a reading of FIR would go to show that the main accused and the defacto complainant are known to each other and there had been disputes between them. He would reiterate that the petitioner is not having any previous case to his credit and he is in judicial custody from 25.01.2023 and seek for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the other named accused have been arrested and they have confessed that the petitioner has permitted the accused to stay in his shop before committing the crime. As per the confession, the petitioner is a person, who has given information about the movements of the accused. He would also submit that from the shop of the petitioner only, the accused have gone to the place of occurrence, where they have kidnapped the parents of the defacto complainant and later they have taken them to a place and dropped them in Tollplaza and escaped and out of 9 accused, 3 accused have been arrested. He would object for grant of bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate NO.VI, Tiruchirappalli**, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent Police Station at 10.30 a.m and 5.30 p.m until further orders.

[d] the petitioner shall not commit any offences of similar nature.

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



[f] the petitioner shall not tamper with evidence or either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take 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].

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

sd/-
27/02/2023

/ TRUE COPY /

27/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM
TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
TIRUCHIRAPPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTEINDENT
CENTRAL PRISON, TRICHY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-2953[I] dated 27/02/2023)

ORDER
IN
CRL OP(MD) No.3452 of 2023
Date :27/02/2023

PKP/SSS/SAR-/27.02.2023/3P/7C