



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/06/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9148 of 2023

R.Bhuvaneswaran,

... Petitioner/Accused 6

Vs

The State rep.by
The Inspector of Police,
Rayapanpatti Police Station,
Theni District.
Crime No.76 of 2023.

... Respondent/Complainant

For Petitioner : M/s. ESWARAN.M,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.76 of 2023 on the file of the Respondent Police.

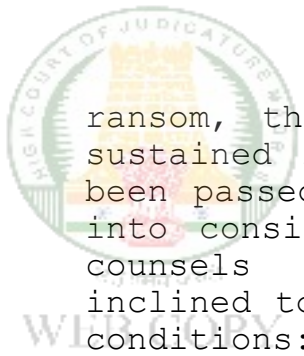
ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 16.03.2023 for the offence punishable under Sections 120(b), 147, 294(b), 323, 342, 363, 364(A) and 506(ii) of IPC in crime No.76 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein along with other accused planned to kidnap the father of the defacto complainant's father-in-law to extract money, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there are totally seven accused in this case and the petitioner herein is arrayed as A6. The earlier application was dismissed on 10.04.2023 on the ground that the respondent has sent proposal to detain the petitioner under Act.14 of 1982 vide communication dated 27.03.2022, however till date the said proposal was not considered. Even according to the case of the prosecution the petitioner only engaged hirelings to kidnap the victim for



ransom, thereafter the victim was pushed down from the sustained injuries and later died. Even till today no order has been passed to detain the petitioner under Act.14 of 1982. Taking into consideration the facts and submissions made by the learned counsels and also 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam 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 daily at 10.30 A.M. and 5.30P.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 witness 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/-

01/06/2023

/ TRUE COPY /

01/06/2023

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



AAV
TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9148 of 2023

Date :01/06/2023

SA/SSS/SAR. /01.06.2023/3P/6C