



Crl.O.P.No.6129 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

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

Crl.O.P.No.6129 of 2024

Sanjai

..Petitioner

Vs.

State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.702 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.702 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.Harish
For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



Crl.O.P.No.6129 of 2024

on 01.01.2024 for the offences originally registered by the respondent Police under Sections 147, 148, 294(b), 323, 342, 387 and 506(ii) IPC and subsequently, altered to Sections 364(A), 294(b), 395 r/w 397 IPC in Crime No.702 of 2023 on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 27.12.2023 at around 12.30 p.m., the husband of the defacto complainant was kidnapped by the accused persons and demanded money from him and his family members. It is stated that a sum of Rs.30,000/- had been transferred through gpay by the relative of the husband of the defacto complainant to the account of the accused persons. Further a cash of Rs.60,000/- had also handed over to them.

3.It is stated by the learned Government Advocate (crl.side) that A2, A3, A10 and A11 are juveniles and they had been granted bail. A7 and A9 had also been granted bail the trial Court. A4 is still in custody. The other accused had been detained under Act 14 of 1982.

4.The learned counsel for the petitioner pointed out that the petitioner is in custody for nearly more than 85 days. The amount transferred through googlepay was not transferred to the account of the



Crl.O.P.No.6129 of 2024

petitioner.

5.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 learned Judicial Magistrate No.I, Namakkal 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] Within a period of two weeks from the date of executing sureties, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.702 of 2023 and on such deposit, the learned Judicial Magistrate No.I, Namakkal, may hand over the said amount to the defacto complainant. It is made clear



CrI.O.P.No.6129 of 2024

that by such deposit would not indicate that the petitioner is admitted to the allegations against him. It is also made clear that the defacto complainant is at liberty to claim further compensation in the manner known to law.

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

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

[f] On breach of any of the aforesaid conditions, the learned 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].

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

20.03.2024

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CrI.O.P.No.6129 of 2024

To

- 1.The Judicial Magistrate No.I, Namakkal.
2. The Central Jail, Salem.
- 3.The Inspector of Police,
Namakkal Police Station,
Namakkal District.
- 4.The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.6129 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.6129 of 2024

20.03.2024