



WEB COPY



CrI.O.P.No.11157 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2024

CORAM:

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**CrI.O.P.No.11157 of 2024**

P.K.Nelson  
S/o.Kochappu

... Petitioner/Accused-4

Versus

State represented by  
The Inspector of Police  
Sooramangalam Police Station  
Salem.  
(Crime No.327 of 2024)

... Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of bail to the petitioner / accused-4 in Crime No.327 of 2024 on the file of the respondent police.

For Petitioner : Ms.C.Sabeera

For Respondent : Ms.M.Sumii Arnica  
for Public Prosecutor



**ORDER**

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 06.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2.The petitioner/Accused-4 was arrested and remanded to judicial custody on 26.03.2024 for the alleged offences punishable under Sections 395 and 397 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.327 of 2024 on the file of the respondent police.

3.The case of the prosecution is that the de-facto complainant is doing real estate business. On 14.03.2024, for the purpose of purchasing a property at Karnataka, the de-facto complainant along with his driver went to Karnataka in a car bearing Registration No.KA-05-MW-9386 with Rs.50,00,000/- in cash. While the de-facto complainant was nearing Salem AVR Bridge, the petitioner and other accused persons waylaid the car and kidnapped the de-facto complainant and his driver, assaulted them and snatched away Rs.50,00,000/- from the de-facto complainant and then the accused persons left the de-facto complainant and his driver near Nilavarapatty Bridge and returned the car key to them. Hence, the complaint was registered against the accused persons.



WEB COPY

4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Based on the confession of one of the accused, the petitioner was arrested and remanded to judicial custody on 26.03.2024. He further submitted that no specific overt act has been attributed as against the petitioner and that he is in custody since 26.03.2024. He, therefore, prayed to grant bail to the petitioner.

5.The learned Public Prosecutor appearing for the respondent police submitted that there are totally nine accused. The petitioner along with other accused waylaid the de-facto complainant's car and kidnapped the de-facto complainant and his driver, assaulted them and snatched away Rs.50,00,000/- She submitted that investigation is not yet completed and at this stage, if bail is granted to the petitioner, he will cause threat to the de-facto complainant and witnesses. Accordingly, she opposed to grant bail to the petitioner and prayed for dismissal of the petition.

6. Heard on both sides. This Court has perused the records.



WEB COPY

7. Considering the nature of the offence alleged and also the period of incarceration, i.e., 52 days, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) and furnish two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Salem;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m. and 05.00 p.m., until further orders;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by



Crl.O.P.No.11157 of 2024

themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

15.05.2024

Index : Yes/No  
Internet : Yes/No  
Speaking order / Non-speaking order  
Neutral citation : Yes/No  
dna

**Note:-**

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate No.II, Salem.

2.The Inspector of Police  
Sooramangalam Police Station  
Salem.  
(Crime No.327 of 2024)

3.The Public Prosecutor,  
High Court, Madras.



WEB COPY



Crl.O.P.No.11157 of 2024

**R.SAKTHIVEL, J.**

dna

**Crl.O.P.No.11157 of 2024**

**15.05.2024**