



Crl.O.P.No.12284 of 2024

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 22.05.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE C.SARAVANAN**

**Crl.O.P.No.12284 of 2024**

1.Santhakumar

2.Selvakamal

3.Karthikeyan

4.Rajkamal

... Petitioners/Accused Nos.3, 4, 5 & 6

Vs.

The State represented by,  
The Inspector of Police,  
Karimangalam Police Station,  
Dharmapuri.

(Crime No.162 of 2024).

... Respondent/Complainant

**PRAYER :** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioners on bail, pending investigation in Crime  
No.162 of 2024, on the file of the respondent Police.



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For Petitioners : Mr.Mohammed Aasif

For Respondent : Mr.R.Vinothraja,  
Government Advocate (Crl.Side)

### **ORDER**

The petitioners, who were arrested and remanded to judicial custody on 03.05.2024 for the offences punishable under Sections 147, 148, 341, 342, 364A & 506(ii) of IPC, in Crime No.162 of 2024, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and the defacto complainant had previous dispute relating to property and money transaction, due to which the accused abducted the defacto complainant, threatened him to execute sale deed in favour of Accused No.1 and also demanded money from him. Hence the complaint has been filed.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, who are no way connected with the alleged offence, and a false complaint has been foisted against them and a co-



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accused has already secured an order of Anticipatory Bail from this Court on 17.05.2024 in Criminal O.P.No.11792 of 2024. He also submitted that the petitioners are in custody from 03.05.2024 and they are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant is the uncle of these petitioners. The Accused No.2, namely M.Govindhan has already secured an order of Anticipatory Bail from this Court on 17.05.2024 in Criminal O.P.No.11792 of 2024, subject to the conditions laid therein. He further submitted that the investigation is still pending and if the petitioners are released on bail they may abscond and tamper with the witnesses. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the Petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. On reading of the FIR, it would show that the petitioners herein, petitioner in Crl.O.P.No.11792 of 2024 i.e., Mr.M.Govindhan, and the petitioner Mr.Madhesh in the connected Crl.O.P.No.12322 of 2024 had a dispute pertaining to the property and money transactions with the defacto complainant and this Court is of the view that custodial interrogation of the parties may not be necessary in this matter.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is of the view that the case of the petitioners are not different from the case of the Accused No.2 i.e. petitioner in Crl.O.P.NO.11792 of 2024 and hence, this Court is inclined to grant bail to the petitioners, with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on his executing 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 District Munsif cum Judicial Magistrate, Karimangalam, Dharmapuri**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;**

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

**22.05.2024**

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*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 District Munsif cum  
Judicial Magistrate,  
Karimangalam, Dharmapuri.
2. The Inspector of Police,  
Karimangalam Police Station,  
Dharmapuri.
3. The Central Prison,  
Salem.
4. The Public Prosecutor,  
High Court of Madras.



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**C.SARAVANAN.,J.**

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