



Crl.O.P.No.12322 of 2024

WEB COPY

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

**DATED : 22.05.2024**

**CORAM**

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

**Crl.O.P.No.12322 of 2024**

Madhesh

... Petitioner/Accused No.1

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 petitioner on bail, pending investigation in Crime  
No.162 of 2024, on the file of the respondent Police.

For Petitioner : Mr.Mohammed Aasif

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



Crl.O.P.No.12322 of 2024

WEB COPY

## **ORDER**

The petitioner was 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, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused and the defacto complainant had previous dispute relating to property and money transaction, due to which the petitioner along with other 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 petitioner submitted that the petitioner is innocent person, who is no way connected with the alleged offence, and a false complaint has been foisted against him and a co-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



Crl.O.P.No.12322 of 2024

petitioner is in custody from 03.05.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant is the uncle of these petitioner and the other accused. 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 petitioner is released on bail, he may abscond and tamper with the evidence. Hence, he opposed for grant of bail to the petitioner.

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

6. A reading of the FIR would show that the petitioner herein and petitioner in Crl.O.P.No.11792 of 2024 i.e., Mr.M.Govindhan, and the



Crl.O.P.No.12322 of 2024

petitioners in the connected Crl.O.P.No.12284 of 2024 had a dispute pertaining to the property and money transactions with the defacto complainant, Court is of the view that a 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, Court is of the view that the case of the petitioner is not different from the case of the Accused No.2 i.e. petitioner in Crl.O.P.No.11792 of 2024. Hence, this Court is inclined to grant bail to the petitioner, with certain conditions.

8. Accordingly, the petitioner is 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 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;



Crl.O.P.No.12322 of 2024

**[b] the petitioner 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 petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 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]*;

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

**22.05.2024**

*sha*



Crl.O.P.No.12322 of 2024

WEB COPY

*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.



WEB COPY



Crl.O.P.No.12322 of 2024

**C.SARAVANAN.,J.**

sha

**Crl.O.P.No.12322 of 2024**

**22.05.2024**