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Crl.O.P.No.12551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

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Kaviyarasu @ Kaviyarasan,
S/o. Thandavan

... Petitioner

Versus

State Rep.by,
The Inspector of Police,
Kitchipalayam P.S.,
Salem District.

(Crime No.204 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.204 of 2024, pending on the file of the respondent Police.

For Petitioner : Mr. K. Gandhi Kumar

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

ORDER

The petitioner was arrested and remanded to judicial custody on
24.04.2024, for the offences punishable under Sections 147, 148, 294(b),



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341, 342, 323, 324, 363 and 506(ii) of IPC and thereafter, altered into Sections 147, 148, 294(b), 341, 342, 323, 324, 364-A and 506(ii) of IPC in Crime No.204 of 2024, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the first accused in Crime No.204 of 2024 along with six others before the respondent herein. The petitioner had a financial transactions with the de-facto complainant, namely, Sathishkumar. While so, on 23.04.2024 at about 12.00 hours, the petitioner along with other co-accused, allegedly kidnapped the de-facto complainant and detained him in a lodge, wherein, they allegedly attacked the de-facto complainant with a plastic pipe and demanded to repay a sum of Rs.5 Lakhs borrowed from one Saravanan. Thereafter, the accused allegedly released the de-facto complainant since the de-facto complainant assured to repay the said amount in ten days. Hence, the petitioner is accused to have committed the aforesaid offences. Hence, the complaint.



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3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences, and a false complaint has been foisted against him. He also submitted that the petitioner is in custody from 24.04.2024 and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that the petitioner along with the co-accused/A5 had already moved a bail applications in CrI.M.P.No.1284 of 2024 and CrI.M.P.No.1239 of 2024 before the learned Vacation Sessions Judge, Salem and though the same was dismissed on 10.05.2024 as against the petitioner on the ground that the petitioner is already involved in 4 other cases viz., Crime No.38 of 2023 (Pudhukottai Vellanur), Crime No.165 of 2023 (Salem Town PS), and Crime No.1397 of 2023 (Sooramangalam PS), the co-accused/A5 was granted bail in CrI.M.P.No.1239 of 2024. He further submitted that the de-facto complainant/ Sathishkumar himself was arrested on 25.04.2024 in Crime No.205 of 2024 for the alleged offences under Sections 294(b), 420 and 506(i) of IPC, based on the complaint lodged by one Hiteshkumar, S/o. Ratanlal. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent Police confirms that the de-facto complainant/Sathishkumar suffered cut injuries and now he has been discharged from the hospital. He also submits that the petitioner is a rank criminal and has been involved in several criminal cases as mentioned above. Therefore, he submits that the bail should be denied to the petitioner.

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

6. Having considered the submissions made by the learned counsel on either side, this Court is come up with a view that the petitioner can be released on bail subject to the petitioner complying with the following conditions.

7. 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)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate No.II, Salem, 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 twice a day i.e., everyday at 10.00 A.M, and 6.00 P.M. It is made clear that if the petitioner fails to comply with the said condition, the respondent Police are at liberty to re-arrest the petitioner, pending investigation.**

[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



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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

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To

1. The Judicial Magistrate No.II, Salem.
- 2.The Inspector of Police,
Kitchipalayam P.S.,
Salem District.
3. The District Jail, Attur, Salem.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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