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CRL O.P. No.19921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19921 of 2024

K.Rajkumar

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Tiruvannamalai Town Police Station,
Thiruvannamalai.

... Respondent

[Cr. No.598 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.598 of 2024, on the file of the respondent.

For Petitioner : Mr.K.J.Shiva Arudhra

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.07.2024 for the offences punishable under Section 140(2), 310(2) of BNS, 2023, in Crime No.598 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that owing to money dispute between the defacto complainant and the accused, on 27.07.2024 at about 10.00 p.m., the accused kidnapped the defacto complainant and his brother in a car and threatened them to repay the total amount of Rs.32,00,000/- and attacked them. Thereafter, the defacto complainant contacted his uncle one, Dilipkumar over phone and handed over Rs.10,00,000/- to the accused and thereafter, the defacto complainant and his brother were dropped by the accused. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case as against the



petitioner and the amount was also recovered. He would further submit that the petitioner's name was not available in the FIR and he has been in judicial custody for more than 25 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that due to money dispute, the petitioner along with other accused, kidnapped the defacto complainant and his brother in a car and threatened him and snatched Rs.10,00,000/- and their mobile phones. He would further submit that Rs.9,00,000/- has been recovered from the accused and there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering that the petitioner is not a named accused in this case and all the accused were secured by the respondent police and some money was also recovered and taking into consideration the number of days of incarceration undergone by the petitioner and that there is no previous case pending as against the petitioner, this Court is inclined to



grant bail to the petitioner subject to the following conditions:

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[a] 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 **Judicial Magistrate – 1, Tiruvannamalai**, and on further conditions that;

[b] the Petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.



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To

- 1.The Judicial Magistrate - 1, Tiruvannamalai.
- 2.The Inspector of Police,
Tiruvannamalai Town Police Station,
Thiruvannamalai.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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