



WEB COPY



CRL O.P. No.21971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21971 of 2024

1.Vasim

2.Vikram

3.Manu Kumar @ Kabali

... Petitioners / Accused 2 to 4

Vs

State rep. by

The Inspector of Police,

Tiruvannamalai Town Police Station,

Tiruvannamalai District.

(Crime No.598 of 2024)

... Respondent

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

For Petitioners : Mr.T.Shanmugam

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



CRL O.P. No.21971 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.07.2024 for the offences punishable under Sections 140(2) and 310(2) of BNS, 2023, in Crime No.598 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the defacto complainant and his father owns a jewellery shop in the name of Jain Jewellers and it is alleged that the defacto complainant was warned by A1, who is a neighbor of the defacto complainant that he should repay the debt of Rs.32,00,000/- and 600 grams of gold to one, Parthiban. While so, on 27.07.2024 at about 10.00 p.m., when the defacto complainant and his brother were going near Kadalaikalai Karuvattu Santhu, the petitioners along with the other accused kidnapped the defacto complainant and his brother to a remote place, threatened them, assaulted them and caused injuries to the defacto complainant and robbed a sum of Rs.10,00,000/- from them. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence. He would further submit that the petitioners are only labourers of A1 and they have been falsely implicated in this case. He would submit that the petitioners have been in custody for more than 46 days and there is no previous case against the petitioners. He would also submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent would submit that due to money dispute, the petitioners along with the other accused, waylaid the defacto complainant, kidnapped him in a remote place, threatened him with dire consequences and robbed a sum of Rs.10,00,000/- and also caused injuries to the defacto complainant. She would further submit that totally a sum of Rs.9,80,000/- has been recovered from the accused and there is no previous cases pending against the petitioners. However, she vehemently opposed to grant bail to the petitioners.



WEB COPY

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

6. Considering the nature of offences and the petitioners are only labourers of A1, Hansraj and that there is no previous case pending against the petitioners and also considering the number of days of incarceration undergone by the petitioners and that the amount was also recovered and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate – 1, Tiruvannamalai**, and on further conditions that;

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

[c] the Petitioners 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 Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of



CRL O.P. No.21971 of 2024

the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioners 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 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]; and

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

11.09.2024

ata

To

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



WEB COPY



CRL O.P. No.21971 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.21971 of 2024

11.09.2024