



Crl.O.P.No.22882 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22882 of 2024

1.Lakshumanan
2.Gopalraj
3.Somasundaram

...Petitioners/Accused

Vs.

The State rep by its
The Inspector of Police,
Nallur Police Station,
Tiruppur District.

(Crime No.601 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No.601 of 2024 on the file of the respondent.

For Petitioners : Mr.K.Gopinath

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



ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.08.2024 for the offences punishable under Sections 329(4), 140(2) @ 329(4), 140(2), 61(2), 3(5), 127(2) of BNS, 2023, in Crime No.601 of 2024, on the file of the respondent police seek bail.

2.The case of the prosecution is that the defacto complainant and her husband were indulged in immoral trafficking activities. On 21.08.2024, the petitioners, being police officials, along with the other accused came to the said prathal home run by the defacto complainant and kidnapped her husband on demand of ransom. Hence, the case.

3.Learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners have been in custody from 22.08.2024 and there is no previous case against the petitioners. He further submitted that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.Learned Government Advocate submitted that the petitioners, in



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order to conduct search in a prathal home run by the defacto complainant, went to the said place, threatened the defacto complainant and kidnapped her husband on demand of ransom. He would further submit that there is no previous case against the petitioners. He would further submit that the petitioners were suspended from service. However, he vehemently opposed to grant bail to the petitioners.

5.I have heard the representation made by the learned counsel on both side.

6. Considering the nature of offences charged against the petitioners and that no previous case is pending against them and also considering the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain 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 **IV Judicial Magistrate, Tiruppur**, and on further conditions that;

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



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[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 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.

18.09.2024

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To

1.The IV Judicial Magistrate, Tiruppur.



Crl.O.P.No.22882 of 2027

2.Sub Jail, Tiruppur.

3.The Inspector of Police,
Nallur Police Station,
Tiruppur District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.
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