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Crl.O.P.No.23478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23478 of 2024

Rakesh

...Petitioner/Accused

Vs.

State rep by its
The Inspector of Police,
Chitlapakkam Police Station
Chengalpattu District.
(Crime No.965 of 2020)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 965 of 2020 on the file of the respondent police.

For Petitioner : Mr. G.Mageshkumar

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

ORDER



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The petitioner, who was arrested on 21.08.2024 and remanded to judicial custody on the same day for the offences under Sections 341, 294(b), 364(A, 506(ii) IPC read with 25(1A) of Arms Act, 1959, in Crime No. 965 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and abducted him by using a car and beaten him, took him into a secluded place and by threat demanded ransom of Rs.20 lakhs. Hence, the case.

3. Learned counsel for the petitioner submitted that originally the petitioner was arrested in Cr.No. 148 of 2023 and he was granted bail by this Court and in this case, the petitioner was produced through PT Warrant on 21.08.2024. He would further submit that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the



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petitioner.

4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that the accused have kept the defacto complainant's car and property documents in their custody and dropped him and thereafter, the defacto complainant paid a sum of Rs.10 lakhs, the accused have released his car and other property documents and also threatened him with dire consequences. He would further submit that the petition is having two previous cases and the co-accused have already been released on bail.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides and also taking into consideration the period of incarceration undergone by the petitioner and also the petitioner has two previous cases and in those cases, he was granted bail and also considering the fact that the co-accused have already been granted bail and the alleged offence taken place in the year 2020 and also the name of the petitioner is not found place in the FIR and



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only based on the confession of the co-accused, the petitioner was arrested, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. 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 court of ***Judicial Magistrate No.1, Tambaram***, and on further conditions that:

[b] the petitioner shall report before the learned ***Judicial Magistrate No.1, Tambaram***, on all working days at 10.30 a.m., for 30 days;

[c] The petitioner shall attend in accordance with the conditions of the bond;

[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or



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trial;

[f] 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 or tamper with evidence;

[g] 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]; and

P.DHANABAL, J.

vsg

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

24.09.2024



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vsg

To

- 1.Judicial Magistrate No.I,Tambaram.
- 2.Sub-Jail, Saidapet.
- 3.The Inspector of Police,
Chitlapakkam Police Station
Chengalpattu District.
- 4.The Public Prosecutor,
High Court of Madras.

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