



Crl.O.P.No.25757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.25757 of 2024

1.S.Vignesh

2.M.Sekar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
CB-CID, Egmore, Chennai.
(Crime No. 9 of 2023).

... Respondents

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 9 of 2023 on the file
of the respondent Police.

For Petitioners : Mr.P.K.Ganesh

For Respondents : Mr.S.Vinodkumar
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 12.09.2024, for the alleged offence punishable under Sections
147, 148, 366, 324, 387, 427 and 506(ii) r/w 149 of IPC, in Crime No.9 of



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2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant and the second petitioner are father and son. Already there was a enmity between the second petitioner and the defacto complainant's daughter due to property dispute. The petitioners are alleged to have kidnapped the defacto complainant and grabbed 80 sovereigns of gold ornaments, Rs.2,00,000/- and conveyed some of the properties to the first petitioner's name and thereafter, the defacto complainant was murdered by his own son. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submits that the co-accused/A1 to A6 were already granted anticipatory bail by this Court. He further submits that the petitioners name was not found place in the FIR. He further submitted that the petitioners were arrested and they are in judicial custody from 12.09.2024 and they are ready to abide by



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any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the first and second respondents submitted that there are totally eight accused in this case and the petitioners herein are ranked as A7 and A8. He further submits that there was previous enmity between his son and daughter over property dispute. The petitioners herein and other accused persons have kidnapped the defacto complainant the defacto complainant and and grabbed 80 sovereigns of gold ornaments, Rs.2,00,000/-, and thereafter the defacto complainant was also murdered by his own son. He further submits that the petitioners herein are actively participated in kidnapping the defacto complainant and they also signed as witnesses in the cancellation deed and settlement deed. He further submits that the petitioners have no previous case pending against them. However, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.



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6. Considering the nature of offence charged against the petitioner, the petitioners have no previous cases, pending against them, prime accused was already released on bail, and even according to the prosecution, this petitioner stood as witnesses in the alleged forged documents, considering the period of incarceration undergone by the petitioners, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the learned CBCID Metropolitan Magistrate Court, Egmore, Chennai, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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



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police officer;

[d] the Petitioners shall not abscond either during investigation or trial;

[e] 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

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

19.10.2024

drl

To

- 1.The CB-CID Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
CB-CID, Egmore, Chennai.
- 3.The Superintendent,
Sub Jail, Saidapet,
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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