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CRL O.P. No.28378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.28378 of 2024

John Kennady S/o. Karuppasamy ... Petitioner /Accused
Vs

State represented by:-

The Inspector of Police,
Roshanai Police Station,
Villupuram District.

[Cr . No.403 of 2024] Respondent / Complainant

PRAYER:- The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr . No.403 of 2024 on the file of the respondent police.

For Petitioner : Mr. R. Babu

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

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 02.09.2024 for the offences punishable under Sections 126, 127, 138, 310(2), 351(3), 319, 318 read with 309 of B.N.S.



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in Cr. No.403 of 2024 on the file of the respondent police seeks bail.

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2. The case of the prosecution is that one Rajarajan contacted the defacto complainant over phone and stated that he can give gold for the price 10% to 15% less than the market value and to bring Rs.35 lakhs, believing his words, the defacto complainant went in a Car along with cash on 03.08.2024 and at that time, one TAVERA car with 7 persons and two persons in two wheeler, abducted the defacto complainant in their car, attacked him with knife, caused injuries to him and also extorted amount of Rs.35 lakhs and 20 gms of gold chain, 80 gms of Silver kaapu and 2 cell phones. Further, the accused made them nude and took video in cellphone and also threatened them with dire consequences. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case for the offences under Sections 126, 127, 138, 310(2), 351(3), 319, 318 read with 309 of B.N.S. and he is an innocent and he is no way connected with the offences as alleged in the FIR and he is ready to abide by any stringent condition



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imposed by this Court and hence, he prayed that the petitioner may be released on bail.

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4. The learned Government Advocate (Criminal Side) has strongly objected to grant bail to the petitioner by stating that on 03.08.2024, this petitioner along with others abducted the defacto complainant, who was travelling in the car near Tindivanam along with one Rajarajan and Srinivasan, attacked him with knife, caused injuries to him and also extorted amount of Rs.35 lakhs and 20 gms of gold chain, 80 gms of Silver kaapu and 2 cell phones. Further, the accused made them nude and took video in cellphone and also threatened them with dire consequences. However, he admitted that investigation was completed.

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

6. Considering the rival submissions on either side, considering the nature of offences and incarceration period of this petitioner from 02.09.2024 and considering the fact that investigation was completed, I



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am inclined to grant bail to the petitioner subject to the following conditions:

[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 Court No.1, Tindivanam** and on further conditions that:

[b] the petitioner shall report before the concerned jurisdictional Magistrate Court on all working days at 10.30 a.m. until further orders.

[c] 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;

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



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[e] 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 the evidence;

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.11.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

- 1.The Judicial Magistrate Court No.1, Tindivanam.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, Roshanai Police Station, Villupuram District.

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4. The Central Prison, Cuddalore.

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