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CRL O.P. No.27739 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.27739 of 2024

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

State represented by:-

The Inspector of Police,
Sathiyamangalam 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.181
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 09.08.2024 for the offences punishable under
Sections 133, 140(2), 310(2), 311, 351(3) of B.N.S. and Section 3 of



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TNPPDL Act in Cr. No.181 of 2024 on the file of the respondent police seeks bail.

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2. The case of the prosecution is that this petitioner contacted the defacto complainant over phone and stated that he can give gold for the price 7% less than the market value, believing his words, the defacto complainant went in a Car along with friends on 07.08.2024 and he picked up the 1st accused near Sokananthal, Sathiyamangalam Village in his car and at that time, 11 persons came in a car with iron rod and caused damage to the mirror of the defacto complainant's car, asked them to stop the car at knifepoint, abducted them, attacked the defacto complainant with wooden log on his head and the other accused also attacked them using wooden log, iron rod and knife, caused injuries to him and also extorted amount of Rs.7,60,000/- from the car dash board and took Rs.5,000/- from the pocket of the defacto complainant and snatched 2 1/2 sovereigns of gold ring - 2, silver - 3, silver chain -1, smart watch -1 and 6 cell phones. The total value of the stolen property is Rs.11,47,500/-. Further, the accused made them nude and took video in cellphone and also threatened them with dire consequences. Hence



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the case.

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3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case for the offences under Sections 133, 140(2), 310(2), 311, 351(3) of B.N.S. and Section 3 of TNPPDL Act 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 imposed by this Court and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) has strongly objected to grant bail to the petitioner by stating that this petitioner/A1 made a false promise to get gold at 7% lower price than the market value for the defacto complainant and believing his words, the defacto complainant went in a car with cash to buy gold and picked up the 1st accused near Sokananthal, Sathiyamangalam Village in his car and at that time, 11 persons came in a car with iron rod and caused damage to the mirror of the defacto complainant's car, asked them to stop the car at



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knifepoint, abducted them, attacked the defacto complainant with wooden log on his head and the other accused also attacked them using wooden log, iron rod and knife, caused injuries to him and also extorted amount of Rs.7,60,000/- from the car dash board and took Rs.5,000/- from the pocket of the defacto complainant and snatched 2 1/2 sovereigns of gold ring - 2, silver - 3, silver chain -1, smart watch -1 and 6 cell phones. Further, the accused made them nude and took video in cellphone and also threatened them with dire consequences. The petitioner herein along with others has committed the above offences and stolen the property worth about Rs.11,47,500/-. However, he admitted that A3, A8 and A11 were released on bail and 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 09.08.2024 and considering the fact that investigation was completed and



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some of the co-accused A3, A8 and 11 were secured and released on bail,

I 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, Gingee** 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.

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

To

- 1.The Judicial Magistrate Court, Gingee
- 2.The Public Prosecutor, Madras High Court, Chennai.

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3.The Inspector of Police, Sathiyamangalam Police Station, Villupuram District..

4. The Central Prison, Cuddalore.

P.DHANABAL,J

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