



Crl.O.P.No.29136 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29136 of 2024

1. Monish

2. Rajadurai

3. Kalaiselvan

4. Neelakandan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District.

(Crime No.314 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with Crime No.314 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Anandharaj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 09.11.2024, seeking bail in Crime No.314 of 2024 registered for the offences under Sections 126(2), 296(b), 140(1), 191(2), 191(3), 115(2), 118(1), 351(3), 311 and 109 of BNS.

2. The case of the prosecution is that due to the existing financial dispute, the accused had kidnapped the de facto complainant, abused him in filthy language and attempted to murder him by assaulting with knife. Further, the accused had taken the de facto complainant's ATM card, cash of Rs.1000/- and his scooty and escaped from the scene of occurrence. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that due to the previous enmity, a false complaint has been given against the petitioners. He further submitted that the petitioners



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are suffering incarceration from 09.11.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that due to the financial dispute, the petitioners, who are arrayed as A1, A2, A4 & A5, along with other accused had kidnapped the de facto complainant, assaulted him and taken away his belongings. He further submitted that the injured has been discharged from the hospital.

5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Neyveli**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond during either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness during either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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



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Court himself as laid down by the Hon'ble Supreme Court
in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

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

21.11.2024

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To

1. The District Munsif cum Judicial Magistrate,
Neyveli.
2. The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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