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Crl.O.P.No.30468 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

Crl.O.P.No.30468 of 2024

Alaudhin

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Sathiyamangalam Police Station,
Villupuram District.
Crime No.181 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail in Crime No.181 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.R.Babu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.08.2024, for the alleged offences under Sections 133, 140(2), 310(2),



CrI.O.P.No.30468 of 2024

311, 351(3) of BNS 2023 and Section 3 of TNPPDL Act, 1982 in Crime No.181 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 07.08.2024, at about 6.00 a.m., the petitioner along with other accused, abducted the defacto complainant in his car, attacked him with a wooden rod and also caused damages to the car mirror, extorted money and gold jewels from him, totally worth about Rs.11,47,500/-, under the pretext of buying gold. Subsequently, the accused persons made him nude, took a video on a cell phone, and also threatened him with dire consequences. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the third bail petition filed by the petitioner and the earlier bail petitions has been dismissed. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submitted that the similarly placed co-accused in this case have been granted bail by this Court. He also submitted that the detention of the petitioner under Goondas Act under



Crl.O.P.No.30468 of 2024

Section 2(f) of the Tamil Nadu Act 14 of 1982 was revoked by this Court.

He further submits that the petitioner was arrested and is in judicial custody from 09.08.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are totally 7 accused in this case and the petitioner herein is ranked as A7, on the date of the alleged occurrence, the petitioner along with other accused, abducted the defacto complainant, attacked him with a wooden rod caused damages to the car mirror, extorted money, and gold jewels from him, worth about Rs.11,47,500/-, under the pretext of buying gold. Subsequently, the accused persons made him nude and took a video on a cell phone, and also threatened him with dire consequences. He further submits that the detention order passed against the petitioner was set aside by this Court. He further submits that the petitioner has one previous case, similar in nature pending against him, and that investigation was also completed. However, he strongly opposed to grant bail to the petitioner.



CrI.O.P.No.30468 of 2024

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

6. Considering the representation made by both side counsel, nature of offence, co-accused was also released on bail, considering that the petitioner has detained under Goondas Act of the Tamil Nadu Act 14 of 1982 and thereafter, the detention order was set aside by this Court, though the petitioner has one previous case, in which he has been released on bail, investigation was also completed and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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 Judicial Magistrate, Gingee, and on further conditions that:-

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



CrI.O.P.No.30468 of 2024

WEB COPY

[b] the Petitioner 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 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;

[d] the Petitioner 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 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

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

09.12.2024

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Crl.O.P.No.30468 of 2024

P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate,
Gingee.
- 2.The Inspector of Police,
Sathiyamangalam Police Station,
Villupuram District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.30468 of 2024

09.12.2024