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CRL O.P. No.31593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.31593 of 2024

M. Ravindar S/o. Moorthi

... Petitioner / Accused No.4

Vs

State rep. by:-

The Inspector of Police,
Taluk Police Station,
Erode District.
[Cr. No.320 of 2024]

... Respondent

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.320 of 2024 on the file of the respondent police.

For Petitioner : Mr. R. Radha Pandian

For Respondent : Mr. S. Balaji,
Government Advocate (Criminal side)

ORDER

The petitioner / Accused No.4, who was arrested and remanded to judicial custody on 26.11.2024 for the offence punishable under Sections



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115(2), 296, 127(2), 351(2) of B.N.S. altered to Sections 115(2), 140(2), 296, 127(2) and 351(2) of B.N.S. in Cr. No.320 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2024, the petitioner along with other accused kidnapped the defacto complainant, wrongfully confined him in a car, abused and assaulted him and also threatened him with dire consequences. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 115(2), 296, 127(2), 351(2) of B.N.S. and subsequently, altered into Sections 115(2), 140(2), 296, 127(2) and 351(2) of B.N.S. The petitioner is an innocent and he is nothing to do with the alleged offences. The earlier bail application filed by the petitioner was dismissed. He is in judicial custody from 26.11.2024. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that the defacto complainant is doing business of selling the cars.



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A person named Mathan requested the defacto complainant to provide a loan by mortgaging his car and the defacto complainant introduced an another person namely Ashraf for the car loan and thereafter, the said Mathan secured the loan and when the Mathan was ready with cash to settle the loan and redeem the car, the said Ashraf's mobile phone was switched off and therefore, the Mathan abducted the defacto complainant and took an another car from the defacto complainant's workshop and forced the defacto complainant to handover his ATM card and pin and withdrew money from the account of the defacto complainant using his ATM card and booked a room using the defacto complainant's Aadhar card and forced him to drink alcohol. The defacto complainant escaped from the room and was admitted in the hospital. Based on the complaint given by the defacto complainant, this case was registered against the accused. There are 4 other previous cases pending as against the petitioner. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side,



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considering the nature of offences, considering the fact that the petitioner is in judicial custody from 26.11.2024, some of the co-accused were arrested and released on bail and A6 was released on anticipatory bail and though the petitioner has 4 previous cases, in all the cases, he was granted bail, this Court is 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 learned **Judicial Magistrate No.I, Erode** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 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



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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

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To

- 1.The Judicial Magistrate No.I, Erode
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Taluk Police Station, Erode District.
4. The Sub Jail, Erode.

P.DHANABAL,J

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