



CRL OP(MD).No.2893 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.2893 of 2024

Nandhakumar

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
Kundarakudi Police Station,
Sivagangai District.
In Crime No.158/2023..

... Respondent/Complainant

For Petitioner : Mr.R.Balamuruganantham,
Advocate.

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.158/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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01.12.2023 for the offence punishable under Sections 395, 364(A) @ 395, 364(A) and 120(B) IPC, in Crime No.158 of 2023 on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that the petitioner along with the other accused are alleged to have entered into criminal conspiracy, in pursuance of which, they have kidnapped the defacto complainant along with his car and the cash of Rs.45,00,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that initially, the name of the petitioner was not found in FIR and based on the confession statement of A1 and A2, petitioner has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 01.12.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this is the third application for bail and the earlier applications filed by the petitioner in Crl.O.P(MD).Nos.113 of 2024 and 1789 of 2024 were dismissed by this Court on 05.01.2024 and 06.02.2024. However, he fairly submits that no previous case is pending against the petitioner.



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5. Heard the learned counsel on either side.

6. It appears that this Court has dismissed the earlier bail applications filed by the petitioner in Crl.O.P(MD).Nos.113 of 2024 and 1789 of 2024 on 05.01.2024 and 06.02.2024. However, the Law Enforcing Agency has not taken any effective steps to complete the investigation. Considering the facts and circumstances of the case and the fact that the petitioner is in prison nearly three months and that no previous case is pending against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following 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 **learned Judicial Magistrate, Karaikudi, Sivagangai District**, 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;



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(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., till the completion of investigation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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 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 229-A IPC.

sd/-
26/02/2024

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26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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TO
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- 1 THE JUDICIAL MAGISTRATE
KARAIKUDI, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KUNDARAKUDI POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE OFFICER INCHARGE,
RAMNAD JAIL, RAMNAD DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-2370[I] dated
26/02/2024)

ORDER
IN
CRL OP(MD) No.2893 of 2024
Date :26/02/2024

SS/SAR- /26/02/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023