



CRL OP(MD). No.23575 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.23575 of 2023

1.Sekar,
2.Saran,

... Petitioners/ Accused No.1 & 2

Vs

The State rep. by,
The Inspector of Police,
Manapparai Police Station,
Trichy District.
(Crime No.623 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.Sivabalan.K.,
Advocate.

For Respondent : Nr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no.623 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners / Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 12.12.2023 for the offence punishable under Sections 363, 506(ii) of I.P.C. and subsequently, the Sections were altered into Sections 364(A) and 506(ii) of I.P.C., in Crime No.623 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on due to money dispute between the petitioners and the defacto complainant, the petitioners and other accused persons came to the shop in a car and kidnapped the son of the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that it is purely a money dispute between the petitioners and the defacto complainant. He would further submit that the victim was produced before the local Police Station and that except this case, no cases are pending against the petitioners. Hence, he prayed for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners kidnapped the son of the defacto complainant for demanding more money due to previous enmity between them. He would further submit that no previous cases are pending against the petitioners and later victim was secured.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the fact that the victim was produced before the local Police Station and the offence committed by the petitioners is not heinous in nature, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Manappara, Trichy District and on further conditions that:



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(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 are directed to appear before the respondent police daily at 05.00 P.M., until further orders;

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

(d) the petitioners 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



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5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

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03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg
TO

1. The Judicial Magistrate, Manapparai,
Trichy District.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Superintendent, central Prison,
Tiruchirappalli.
4. The Inspector of Police,
Manapparai Police Station,
Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-83[I] dated 03/01/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL OP(MD) No.23575 of 2023
Date :03/01/2024

SSA/03.01.2024/6P/7C

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