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Crl.O.P.No.5861 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5861 of 2025

1.Annamalai
2.Krishnan
3.Raju
4.Vijayan
5.Selvan

...Petitioners/Accused 3-7

Vs.

State rep by
The Inspector of Police,
Thally Police Station,
Krishnagiri District.

(Crime No.28 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.28 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.P.Saravanan

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



ORDER

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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 09.02.2025, seeking bail in Crime No.28 of 2025 registered for the offence under Sections 191(2), 191(3), 140(2), 308, 296(b), 118(1) of BNS, 2023.

2.It is the case of the prosecution that the petitioners along with the other accused called the defacto complainant through Whatsapp call for purchasing a Hitachi vehicle; that believing their words, the defacto complainant went to the place of the petitioners, at that time, the petitioners had kidnapped the defacto complainant to the forest area, tied his hands, assaulted him and robbed Rs.70,000/- and his mobile phone and further demanded Rs.50,00,000/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the allegations are false; that the petitioners have no previous cases and in any case, considering the period of incarceration suffered by the petitioners from 09.02.2025, they may be released on bail.



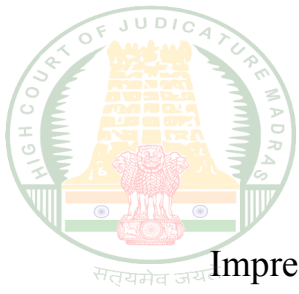
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that no previous case is pending against the petitioners and so far Rs.20,000/- has been recovered from the accused.

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

6.Considering the period of incarceration, the fact that some portion of amount has been recovered and no previous case is pending against the petitioners and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Denkanikottai**, 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 shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

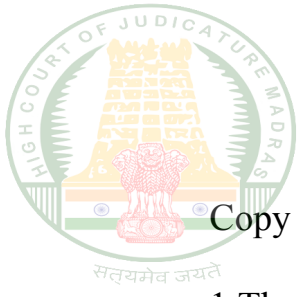
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

03.03.2025

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Copy to:

1. The Inspector of Police,
Thally Police Station,
Krishnagiri District.

2. The Judicial Magistrate, Denkanikottai.

3. Central Prison, Salem.

4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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