



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twelfth day of December Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21909 of 2018

1.K. ALEXANDER SAMSAN
2.A. FRANKILIN JOSEPHRAJ

... PETITIONERS / ACCUSED
No.3 & 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PERAVORANI POLICE STATION,
THANJAVUR DISTRICT.
Crime No.137 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.B.JAMEEL ARASU Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 07.10.2018 for the offence punishable under Sections 341, 342, 364(A), 397, 506(ii) r/w 34 IPC in Crime No.137 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with others said to have kidnapped the defacto complainant, while he was coming in his two wheeler and demanded Rs.1 Crore and further insisted to make a phone call to his house to arrange a sum of Rs.20,80,000/- and thereafter, the amount was settled to the petitioner. After receiving the amount, they were threatened him with dire consequences.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. Co-accused has been granted bail by this Court in Crl.O.P.(MD)No.20640 of 2018, dated 13.11.2018.

4.The learned Additional Public Prosecutor for the respondent submitted that the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this



Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on her 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, Pattukkottai, Thanjavur District and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTATE,
PATTUKKOTTAI, THANJAVUR DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
PERAVORANI POLICE STATION, THANJAVUR DISTRICT.

4.THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.23135

ORDER IN

CRL OP(MD) No.21909 of 2018

Date :12/12/2018