



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20640 of 2018

DEEPAK

... PETITIONER / ACCUSED RANK NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.137/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.JAMEEL ARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 07.10.2018 for offences punishable under Sections 341, 342, 364-A, 392, 397, 506(ii) and 34 IPC, in Crime No.137 of 2018, on the file of the respondent police, seeks 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 for the petitioner would submit that the petitioner and the defacto complainant are doing business in the same area. The petitioner is an innocent, he has not committed any offence as alleged by the prosecution. The petitioner has been implicated in this case, as per the confession of the co-accused. He would further submit that the petitioner had sustained injury in his leg and he is taking treatment. He had also filed a income tax returns of him for the past four years.



4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. On perusal of the records, the petitioner is doing finance business in the name and style of T.Deepak Capital. The petitioner's wife had sent a representation on 02.10.2018 to the Superintendent of Police, Thanjavur. Thereafter, on 06.10.2018, the petitioner was shown as an accused and arrested. He would further submitted that the recent cyclone, his entire coconut crops and paddy business have been destroyed.

6. Taking note of the facts and circumstances of the case and also considering the submissions made on either side counsel, this Court is inclined to grant bail to the petitioner.

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, Pattukkottai and on further condition that:

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

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

[c] the petitioner 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 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]**.

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

sd/-

30/11/2018

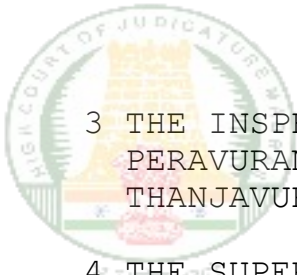
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE,
PERAVURANI 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 M/S.B.JAMEEL ARASU Advocate SR.No.22425

ORDER

IN

CRL OP (MD) No.20640 of 2018

Date :30/11/2018

JM/VR MMS/SAR 4/30.11.2018/3P/7C