



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2291 of 2019

1 SANTHANAKUMAR @ KUMAR

2 ARAVINDH

3 SATHISHKUMAR @ PROTTA SATHISH

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

TAMIL UNIVERSITY POLICE STATION,

THANJAVUR DISTRICT.

IN CRIME NO.9/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR 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 petitioners, who were arrested and remanded to judicial custody since 15.01.2019 for the offence punishable under Sections 364(A), 384, 392, 506(i) and 120(b) IPC in Crime No.9 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 11.11.2018 the defacto complainant along with friends went to purchase golden jewels in his car. For which, the defacto complainant having a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) and some other documents. At that time, the driver of the car, who is the first accused, suddenly stopped the car and three cars surrounded the defacto complainant's car. Thereafter, the defacto complainant was kidnapped by the ten persons. Subsequently, they have taken a sum of Rs.10,00,000/-, which was kept with defacto complainant and demanded more money from the defacto complainant's family. After that, the defacto complainant's family gave a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the accused persons and the defacto complainant was released. Thereafter, the defacto complainant lodged a complaint before the respondent police.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) would submit that the co-accused have got bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and the co-accused persons have got bail, this Court is inclined to grant bail to the petitioners.

6.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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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, daily at 10.30 a.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 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]**; and;

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

sd/-

13/02/2019

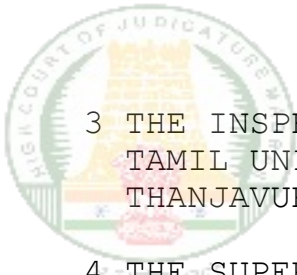
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THANJORE AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY 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.C.SUSI KUMAR Advocate SR.No. 2991

ORDER

IN

CRL OP (MD) No.2291 of 2019

Date :13/02/2019

JM/VR/SAR 1/13.02.2019/3P/7C