

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Fourteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3267 of 2020

R.RAMESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
SUB-INSPECTOR OF POLICE,
KONDALAMPATI POLICE STATION,
SALEM CITY, SALEM.
[*]CRIME NO.41 OF 2020.

[RESPONDENT]

For Petitioner : M/S.A.AJIMATH BEGAM Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)
(Crl.O.P.NO.3267/2020)

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)
(Crl.MP.NO.9098/2021 in Crl.O.P.NO.3267/2020)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 364A and 506(ii) of I.P.C. In [*]Crime No.41 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner induced A1 and A2 to abduct the defacto complainant namely Sathyamoorthy. The defacto complainant had borrowed Rs.1,75,00,000/- from the petitioner and not returned. The petitioner promised to give Rs.30,00,000/- as commission if they gets him back the money, therefore A1 and A2 abducted Sathyamoorthy and robbed Rs.5,00,000/- with 2 sovereigns of gold chain and given Rs.5,00,000/- to the petitioner. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.5,00,000/- to the credit of [*]Crime No.41 of 2020, and prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Cr1.Side) would submit that the investigation is still pending. She would also submit that A1 and A2 have been arrested and remanded to judicial custody. Hence, she opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit a sum of Rs.5,00,000/- to the credit of [*]Crime No.41 of 2020, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 4 weeks from the date on which the order copy made ready, before the learned **(**)Judicial Magistrate V, Salem**, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five lakh only) to the credit of [*]Crime No.41 of 2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[b] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[c] the petitioner and 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.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[g] 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]**.

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

-sd/-
14/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*] Amended as per order of this Court dated 16/03/2020 made in CRL.MP.NO.3234 OF 2020 IN CRL.OP.NO.3267 OF 2020 BY The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

[] To the petition is Modified. All other conditions remain unaltered. as per order of this Court dated 09/09/2021 made in CRL.MP.NO.9098 OF 2021 in CRL.O.P.NO.3267 OF 2020. by The The Hon`ble Mr Justice M.DHANDAPANI.**

TO

() THE JUDICIAL MAGISTRATE,
NO.V, SALEM.**

2 THE JUDICIAL MAGISTRATE,
SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
KONDALAMPATI POLICE STATION,
SALEM CITY, SALEM.

CC to M/S.A.AJIMATH BEGAM Advocate on payment of necessary charges

CRL OP.3267/2020

Date :14/02/2020

MK:18/02/2020
MK:18/03/2020
TA-22/10/2021