

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7437 of 2020

1.Sabarinathan,
S/o.Kolanchi,
Sunnambukara Street,
Thiruvadigai, Panruti
Town & Taluk,
Cuddalore District

2.Soundarrajan,
S/o.Gurumoorthi,
Sunnambukara Street,
Thiruvadigai, Panruti
Town & Taluk,
Cuddalore District

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Pudupettai Police Station,
Cuddalore District
Cr. No.317 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.317 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.04.2020 for the offence punishable under Sections 341, 294(b), 323, 365 and 506(i) of IPC in Crime No.317 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint alleging that his grandson who had involved in a murder case had stayed in his house for his protection from the accused persons. At that juncture, his daughter received a message that someone is going to kidnap him. Thereafter, on 17.04.2020, the defacto complainant along with his grandson while coming near one Thomas' house in his bike, some unknown persons waylaid and attacked them and also kidnapped his grandson in a

motorbike on the instruction of one, Hari. Hence, this complaint.

3. The learned counsel appearing for the petitioners would submit that as far as the petitioners are concerned, they are no way connected with the crime as alleged by the prosecution. They had absolutely no motive to commit this offence. Initially, the defacto complainant's grandson involved in a murder case related to Crime No.346 of 2020 on the file of the Inspector of Police, Panruti Police Station. Only to escape from the clutches of law in the above said crime, the present case has been foisted as against the petitioners, as if the petitioners kidnapped. He further submitted that the petitioners are incarcerated imprisonment from the date of their arrest, namely 18.04.2020. Hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the defacto complainant's grandson was kidnapped by the petitioners and others, who involved in a murder case relating to the crime No.346 of 2020 on the file of the Inspector of Police, Panruti Police Station. However, he was rescued immediately. As such, he opposed for grant of bail to the petitioners.

5. It is seen that the victim had already involved in a murder case in

crime No.346 of 2020 on the file of the Inspector of Police, Panruti Police Station. As far as the petitioners are concerned, they are no way connected with the victim in the murder case as well as in the present case. Further, the victim was not kidnapped for any ransom or any other purpose, and immediately he was rescued by the respondents.

6. Considering the facts and circumstances of the case and also the period of incarceration by the petitioners from 18.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) each of the petitioners shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, each of the petitioners shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. from 01.06.2020 for a period of four weeks and thereafter as and

when required for interrogation.

(e) the petitioners shall not abscond either during investigation or trial.

(f) the petitioners shall not tamper with evidence or witness 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 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]**.

(h) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

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13.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

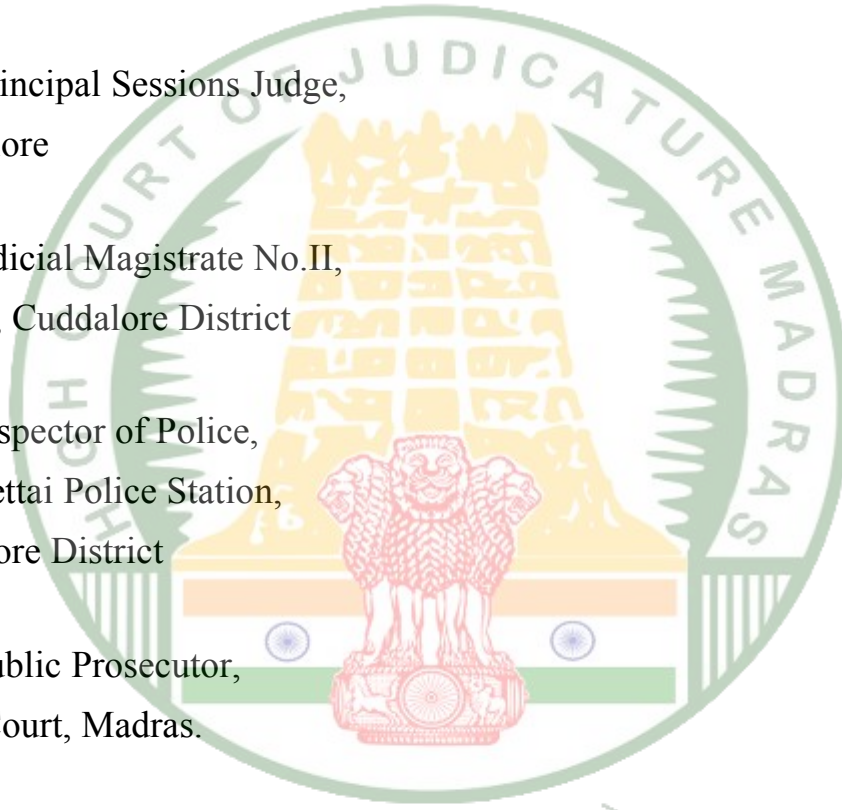
1. The Principal Sessions Judge,
Cuddalore

2. The Judicial Magistrate No.II,
Panruti, Cuddalore District

3. The Inspector of Police,
Pudupettai Police Station,
Cuddalore District

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent,
Sub Jail, Chidambaram



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