



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI. O.P. No.7625 of 2020

Shalini

... Petitioner

-Vs-

The State Rep. by
The Sub-Inspector of Police,
Viruthambut Police Station,
Vellore District.
(Crime No.378 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in PRC.No.9 of 2020 on the file of Judicial Magistrate-III, Vellore in Crime No.378 of 2018 on the file of the respondent.

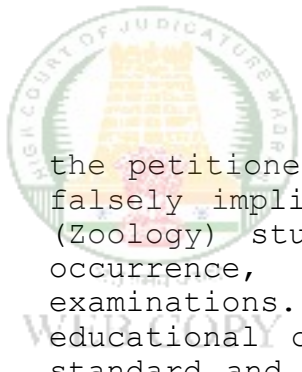
For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

O R D E R

The Petitioner, who is the accused in Crime No.378 of 2018 for the alleged offences under Sections 435, 109 of IPC r/w Section 4 of TNPPDL Act, was arrested on 23.03.2020 pursuant to the non bailable warrant issued by the learned Judicial Magistrate-III, Vellore in PRC.No.9 of 2020.

2. The case of the prosecution is that there are totally five accused in this case, in which the petitioner is arrayed as A5 and her husband is arrayed as A4. The de facto complainant's son was kidnapped by the petitioner's husband and other accused and they demanded ransom, which was not paid. Later, the de facto complainant's son was set free. The de facto complainant hails from Kerala and he had gone to attend some function at Kerala. At that time, the petitioner's husband along with other accused had set fire to the car and four bikes, which belongs to the de facto complainant. Thereafter, coming to know about the incident, the de facto complainant lodged a complaint to the respondent police.



the petitioner-A4 was unable to be arrested, the petitioner has been falsely implicated in this case. The petitioner is studying B.Sc (Zoology) student at Annamalai University, on the date of alleged occurrence, she was staying at Chidambaram attending the examinations. She produced the college identity card and other educational credentials. The petitioner's son is studying in 5th standard and she has to take care of her minor son and hence, seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner's minor son is staying with his grand parents. The petitioner and her husband are absconding from the date of occurrence. The petitioner's husband along with other accused used to kidnap persons and demanded ransom from the parents. If the ransom is not paid, in vengence, they used to set fire on the properties of the persons, who are not yielding to the demand. The petitioner and her husband are on the run, they are very notorious, another case of similar in nature in the same police station, is pending committal in PRC.No.8 of 2020. Hence, he objected for the grant of bail to the petitioner.

5. Considering the rival submissions and the fact that the Petitioner is a lady, she is studying B.Sc (Zoology) in Annamalai University, further she was not arrested during investigation and there is nothing to show that she is absconding during the period, furthter the learned Magistrate had straight away issued Nonailable warrant against the petitioner and her husband and as regards other accused, summons have been issued and there is nothing to show that the summons were refused or evaded, in view of the same, the learned Magistrate ought not to have issued nonailable warrant against the petitioner at the first incident, the petitioner is a lady, hence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Chief Minister Public Relief Fund, Tamil Nadu, and on such deposit the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on her release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(d) 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;

(e) the Petitioner shall not commit any offences of similar nature;



or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) the Petitioner shall report before the respondent police as and when required for interrogation.

(i) 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];

(j) if the accused thereafter absconds, a fresh F.I.R. can be registered under Section 229A I.P.C.

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

-sd/-

20/05/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, VELLORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, FOR WOMEN, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
VIRUTHAMBUT POLICE STATION,
VELLORE DISTRICT.

5 THE SECRETARY,
THE CHIEF MINISTER PUBLIC RELIEF FUND
TAMIL NADU

CC to M/S R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.7625/2020

Date :20/05/2020

RD 04/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>