

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.06.2020

CORAM

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

CrI.O.P.No.9168 of 2020

A.Muhammed Jameen
S/o Abdul Rahim

... Petitioner/ Accused (Not Arrayed)

Vs.

State Rep. by
The Inspector of Police,
Redhills Police Station,
Chennai.
Cr. No.31 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.31 of 2020 on the file of the respondent police.

For Petitioner : M/S. U.Asiam

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 342, 364A, 465, 324 & 506(ii) of IPC in Crime No.31 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons kidnapped the defacto complainant with ransom. On 13.01.2020, the accused have called the defacto complainant and also asked him to inspect the house site. When the defacto complainant went to he spot in his two

wheeler, he was taken kidnapped by the accused persons in a Xylo Car and threatened the defacto complainant for ransom, they robbed Rs.6,00,000/- from the defacto complainant through his workmen namely Veerabathran at Kannadasan Nagar. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a MBA graduate. He is nothing to do with the allegations contained in the FIR, the petitioner has been falsely implicated as accused in this case. He is no way connected with the other accused persons. He would further submit that A1 to A4 were already arrested and released on bail. Insofar as the petitioner is concerned, he has been implicated as an Accused only based on the confession statement given by the co-accused and hence he sought for anticipatory bail to the petitioner/A8.

4. The learned Additional Public Prosecutor would submit that the defacto complainant was kidnapped and threatened him and thereby robbed a sum of Rs. 6,00,000/- from the defacto complainant. That apart that, the accused persons have obtained cheque and signatures in blank stamp papers from the defacto complainant. After obtaining those documents, the first accused handed over all the documents to the petitioner herein. Though the Accused persons 1 to 4 were already arrested and later released on bail. Subsequently A1 and A2 were died due to some other reasons and now the petitioner is in possession of the land and also the blank cheque as well as signed blank stamp papers. Further, the learned counsel submitted that insofar as the recovery amount concerned, only a sum of Rs.2,50,000/- has been recovered from the accused persons, from out of Rs.6,00,000-.. It is seen that so far 8 accused were involved in this case, for which the petitioner is arrayed as A8 and A1 to A4 were already arrested and released on bail and subsequently, A1 and A2 were died. He would further submit that there is no previous case pending against the petitioner and he is the partner of A-1. Hence, he opposed for grant of anticipatory bail

to the petitioner.

5. According to the prosecution, the accused persons have kidnapped the defacto complainant with ransom in the guise of giving construction work to the defacto complainant. Now the learned counsel for the petitioner/A8 is ready and willing to deposit his share amount out of the Rs.6,00,000/- and also undertake to hand over all the documents which is in possession of the petitioner from the defacto complainant.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.31 of 2020 within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-II, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand automatically cancelled and the respondent police is directed to secure the petitioner and start criminal proceedings in accordance with law and on further conditions that:

[a] 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.

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.31 of 2020 before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] thereafter, the petitioner shall hand over all the signed cheques along with signed blank stamp papers, etc., to the respondent police within a period of two weeks from the date of depositing Rs.2,00,000/-, failing which anticipatory bail granted by this court shall stand automatically cancelled and the respondent shall secure the petitioner and proceed in accordance with law.

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

[e] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[h] 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]**.

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

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

<http://www.judis.nic.in>

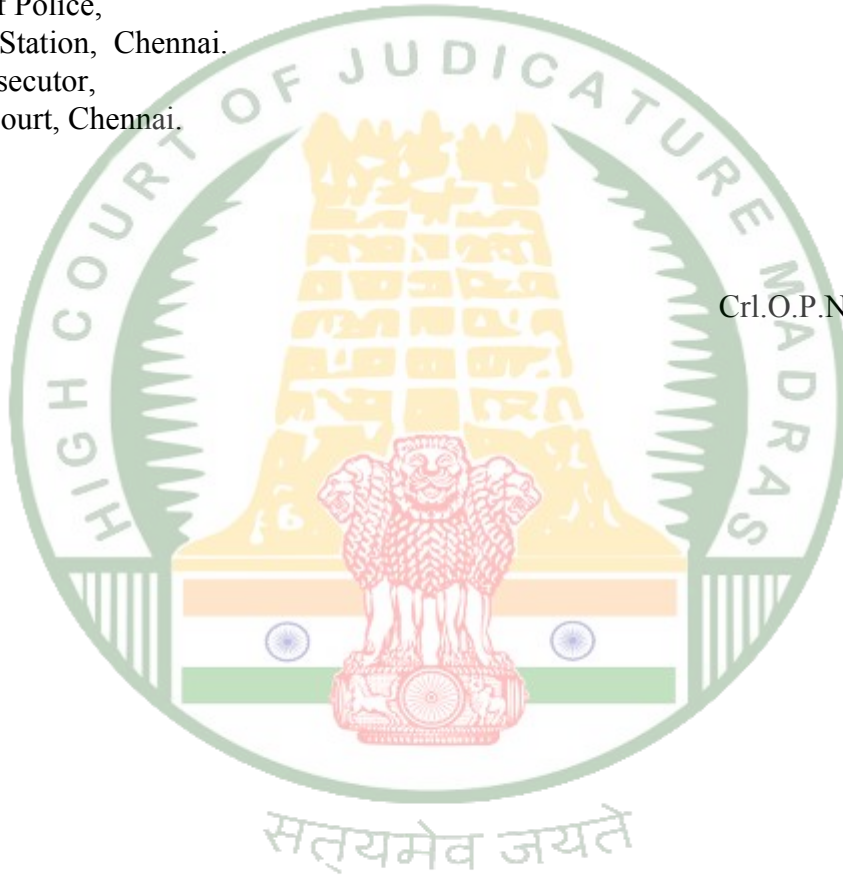
jrs

G.K.ILANTHIRAIYAN, J

jrs

To

- 1.The Judicial Magistrate-II, Ponneri.
- 2.The Inspector of Police,
Redhills Police Station, Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.



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