

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

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

CrI.O.P.No.9377 of 2020

Shalini

W/o Johni Paul Rajan,

No 3/21 Prakash Street,

Vandran Thangal TEL, Katpadi ,

Vellore.

... Petitioner

Vs.

State By:

The Sub Inspector of police,

Viruthampet Police Station,

Vellore District

(Cr.No. 316 OF 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of her arrest in
Crime No.316 of 2018 on the file of the respondent police.

For Petitioner : Mr.P.Pugalenthi

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 368,364(4) @ 147,323, 364(A)'368,506(i) r/w 120(8) IPC in Crime No.316 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was standing near to his house on 18.08.2018 at 9.30 pm, two suspected persons came in a motorcycle and kidnapped his son. Thereafter, they demanded Rs.30 lakhs to release the victim. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner herein has been arrayed as A.9. She has got nothing to do with the crime except the relationship with A1 as his wife. He would further submit that the crime is of the year 2018. In respect of the other two cases filed by the respondent, the petitioner herein already suffered

incarceration and released by this Court on 27.05.2020. Further, the complaint has been registered against the unknown persons and there is no specific overt act against the petitioner herein and she has been falsely implicated in this case. Hence, learned counsel seeks anticipatory bail for the petitioner.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner herein is A9 in this case and she is the wife of the first accused and she also involved in other cases similar in nature. He would further submit that the investigation has been completed in Crime No.316 of 2018 and final report has been filed before the concerned jurisdictional Court. Hence, he strongly opposed for grant of anticipatory bail to the petitioner herein.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.3, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 report before the learned Judicial Magistrate No.3, Vellore on all working days at 10.30 a.m and 5.00 p.m until further orders.

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

[d] the petitioner 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 petitioner/s 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]**.

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

26.06.2020

Index: Yes/No
Speaking order/Non-Speaking order

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To

1.The Judicial Magistrate No.3,
Vellore.

2. The Public Prosecutor,
Madras High Court,
Chennai.

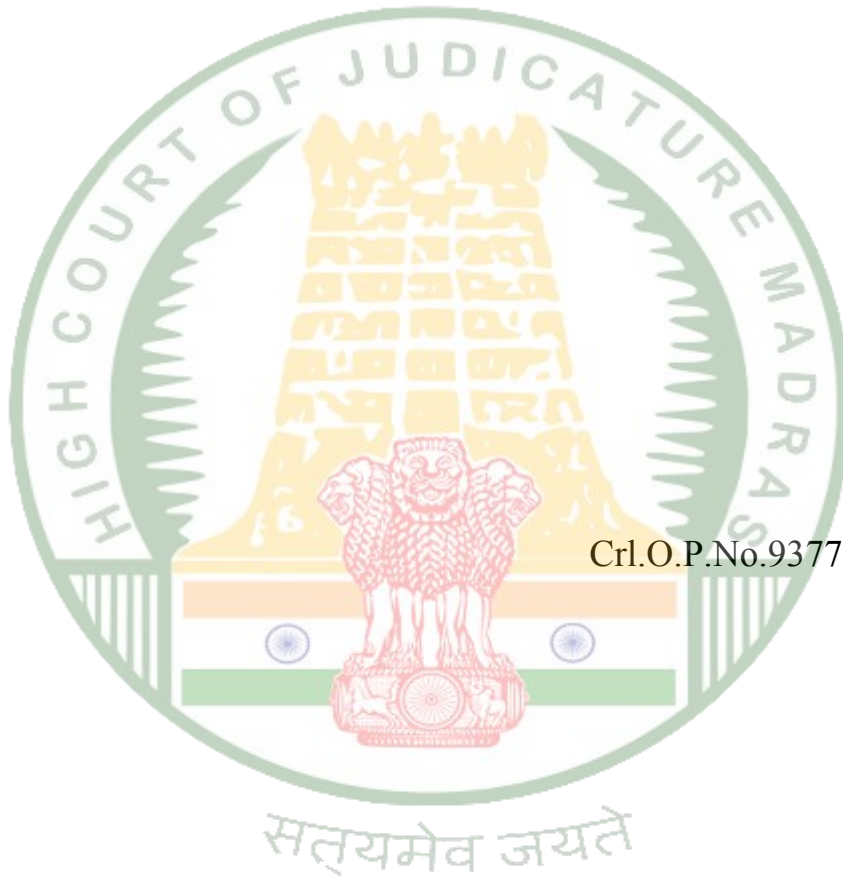
3.Sub Inspector of Police,
Prohibition Enforcement Wing,
Arakkonam, Vellore District.

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G.K.ILANTHIRAIYAN, J

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