

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 10765 of 2020

K.Sivanandham

... Petitioner/Accused

Vs.

The State represented,

The Inspector of Police,

D-4, Kuniyamuthur Police Station,

Coimbatore City.

(Crime No. 870 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.870 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.C.Ramesh

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.05.2020 for the offences punishable under Sections 170, 454, 363, 395 and 397 of IPC in Crime No. 870 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that the first accused, who is a suspended police officer along with other accused posing as constables have threatened the defacto complainant that he will be implicated in a police case for consuming Kanja and had taken an amount of Rs.83,000/- from him. The petitioner who was ranked as A10 is a member of the gang and he has threatened the friend of the defacto complainant to disclose the address.

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 since he is the friend of the other accused. He further submitted that the allegation against the petitioner is that he had abducted the friend of the defacto complainant and threatened him to show the house of the defacto complainant from where the money was extracted from him under threat, He would further submit that there is no previous case pending against the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that A1, who is a suspended constable along with other accused posing themselves to be policemen, had threatened the defacto complainant and extracted an amount of Rs.83,000/- from him. He would submit that A7 and A8 are still absconding and that an amount of Rs.48,000/- and a Maruthi car has been recovered from the arrested accused. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and considering the fact that the petitioner is in incarceration from 14.05.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his 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 and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.VII, Coimbatore, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

(f) the petitioner shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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.

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

-sd/-
20/07/2020

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.VII,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

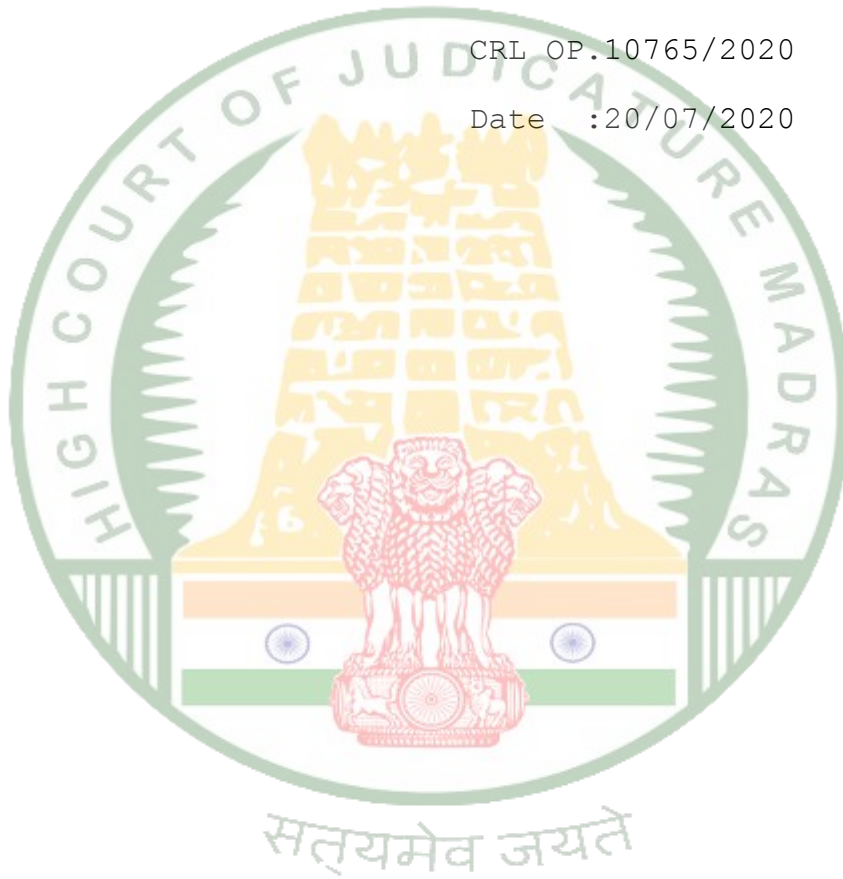
5 THE INSPECTOR OF POLICE
D-4, KUNIYAMUTHUR POLICE STATION,
COIMBATORE CITY.

CC to M/S. E.C.RAMESH Advocate on payment of necessary
charges

CRL OP.10765/2020

Date :20/07/2020

MK:17/08/2020



WEB COPY