

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11404 of 2020

M.Prabhu

... Petitioner

Vs.

State Represented By

The Sub Inspector of Police,
Gengavalli Police Station
Salem District
(Crime No.315 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.315 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 08.06.2020 for the offences punishable under Section 364-A IPC, in Crime No.315 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant one Sudha is that her husband, A1 / Ramesh, Veeran, Murugesan and Jothivel are doing real estate business. On 05.06.2020 at about 6.00 a.m. her husband went along with A1 / Ramesh and Veeran for business purpose but he did not return. On 06.06.2020 at about 8.00 a.m. the defacto complainant was informed by A1 over phone that her husband and said Veeran were kidnapped by him and they were detained in a lodge and demanded a ransom of Rs.5 lakhs to release her husband otherwise her husband would be done to death. Hence a complaint was lodged by the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is only the owner of the lodge and he was not aware of anything. He would further submit that as per F.I.R. the victim / husband of the defacto complainant and A1 are the business partners and a case has been fabricated due to rivalry in business between A1 and the husband of

the defacto complainant and he would further submit that there is no previous case against the petitioner. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed on him.

4.The learned Government Advocate (Criminal Side) would submit that the victim was secured on the next day of the complaint. He would further submit that it is a case of kidnapping for ransom. He would further submit that the victim and A1 are the business partners. A1 abducted the husband of the defacto complainant and kept him in the lodge run by the petitioner. The petitioner along with other accused demanded a ransom from the defacto complainant for the release of her husband. He would further submit that the petitioner is in custody from 11.06.2020.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 condition to execute 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) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate No.II, Attur, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 stay at Coimbatore and report before the Vadavalli Police Station everyday at 10.30 a.m. till lifting of lockdown. After lifting of lockdown, the petitioner shall appear before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter on every Monday 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 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];

(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/-

07/08/2020

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.II, ATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
GENGAVALI POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE OFFICER INCHARGE,
VADAVALLI POLICE STATION,
COIMBATORE.

CC to K.BALASUBRAMANIAM Advocate on payment of necessary charges

CRL OP.11404/2020

Date :07/08/2020

RVR 14/09/2020