

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 12465 of 2020

Seshathiri

... Petitioner

Vs.

The State represented by,

The Sub-Inspector of Police,

Sathuvachari Police Station,

Vellore District.

(Crime No.150 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge him on bail in Crime No.150 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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 23.07.2020 for the offences punishable under Sections 341, 392, 294(b), 147, 148, 323, 506(ii), 386, 363 IPC in Crime No. 150 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de-facto complainant one Ramesh is that on 19.03.2020 around 12.00 in the Noon while he was going in his motor cycle, the persons who had followed his motor cycle, kidnapped him and demanded an amount of Rs.5,00,000/- as ransom. Thereafter, after removing the helmet he came to know that the first accused name was Sukumar @ Chinnal and thereafter he came to know that the other accused were set up by first accused. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit the petitioner is innocent and that he has been falsely implicated in this case. He would submit that the very reading of the FIR would show that it is a fabricated case out of enmity and

the main accused viz., Sukumar @ Chinnal was arrested and subsequently, he has been released on bail. He would submit that the petitioner was arrested on 02.07.2020 and there is no previous case as against him. Hence, he seeks for grant of bail to the petitioner.

4 The learned Government Advocate (Crl.Side) would vehemently oppose stating that it is a case of kidnap for ransom. He would submit that first accused who was arrested earlier was released on bail by the Court below. He would submit that investigation is pending. Hence, he opposed for grant of bail to the petitioner.

5 Taking into consideration the facts of the case and submission made by learned counsel and also on a perusal of the FIR, 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-V, Vellore within 15 days from the date of lifting of the lock down 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 everyday 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/-
18/08/2020

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.V,
VELLORE.

2 THE SUPERINTENDENT,
VELLORE CENTRAL PRISON,
THORAPADI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE STATION,
SATHUVACHARI POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.12465/2020

Date :18/08/2020

MK:03/09/2020