

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

CRL.O.P.No.14659 of 2020

Sulaiman

... Petitioner

Vs.

State rep. by

The Inspector of Police,
RK Pet Police Station,
Tiruvallur District.
(Crime No.2201/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2201 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.08.2020 for the offences punishable under Section 364A of IPC, in Crime No.2201 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Malik Basha is that the petitioner has kidnapped his minor son and demanded ransom of Rs.1 Crore from him.

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 and the defacto complainant are the distant relatives and they are butchers by profession and there was rivalry in the business and that the petitioner and the family of the defacto complainant also knew that he had taken his son and he was brought back to the defacto complainant on the same day. He would further submit that the petitioner was arrested on 22.08.2020 and he is in custody for more than two months.

He would further submit that the wife of the petitioner has recently

delivered a baby and since the petitioner is in custody, there is no one to take care of his wife and the new born baby.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the defacto complainant are known to each other. He would further submit that due to business rivalry, the petitioner had kidnapped the minor son of the defacto complainant and demanded a ransom of Rs.1 Crore.

5. Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner from 22.08.2020, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Pallipattu, and on further conditions that:

(b) 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;

(c) the petitioner on his release from prison shall stay at Chennai and report before the North Beach Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not visit the jurisdictional limits of the respondent police.

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

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

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

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PALLIPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE JAILER
SUB-JAIL, KANCHEEPURAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE, सत्यमेव जयते
RK PET POLICE STATION,
TIRUVALLUR DISTRICT.

7 THE OFFICER INCHARGE,
NORTH BEACH POLICE STATION,
CHENNAI.

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

CRL OP.14659/2020

Date :16/10/2020