

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

Cr1.O.P.No.17048 of 2020

THAMBIRAJ @ RAJKUMAR

...Petitioner

Vs.

State Represented by:Respondent
The Inspector of Police (Law ad Order)
J-9 Thuraipakkam Police Station
Thuraipakkam
Chennai - 600 097.
(Crime No.265 of 2019)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner/accused on bail in the event of his arrest in Crime No.265 of 2019 on the file of the respondent police.

For Petitioner : Mr.N.Moorthi

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent Police for the offence punishable under **Sections 342, 324, 397, 364-A and 506(2) of IPC** in Crime .No.265 of 2019, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Mohammed Thahir is that he was doing real estate business along with one Ramakrishnan and Durairaj and he had some problems in his business. Therefore, he had approached one Johnson Elango, the first accused herein and that the said Jonson Elango assured the defacto him that he would solve his problems. Thereafter, on 10.05.2020 at about 8:00 a.m., the Johnson Elango/A1 had called the defacto complainant over phone and told him to meet him at Ezhilagam. Accordingly, the defacto complainant had gone to the said place along with one Muniraj / A2 by his car and met him. Thereafter, A1 also got into the car and taken them to a newly constructed apartment at Thuraipakkam, Manthoppu Pillaiyar Koil Street wherein,

the 1st and 2nd accused along with 3 unknown persons, threatened the defacto complainant at gun point and demanded a sum of Rs.1 Crore from him and also attacked him with backside of the pistol, iron rod and electric cables pursuant to which, the defacto complainant made a call to his wife and told her to bring the demanded amount to Anna Square. Accordingly, when the wife of the defacto complainant had brought the money, the accused taken away the amount along with his money purse, ATM Card and the contract documents made between Ramakrishnan and Durairaj and escaped from the scene of occurrence. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the name of the petitioner is not found place in the F.I.R. However, he has been falsely implicated in this case based on the confession of A1. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner along with other accused kidnapped the defacto complainant and obtained a sum of Rs.1 Crore as ransom from the wife of the defacto complainant. He would further submit that so far, A1 has been arrested from whom a sum of Rs.20.40 lakhs has been recovered and the other accused are yet to be arrested. He would further submit the petitioner is a habitual offender against whom there are twenty two previous cases pending as detailed below;

S.No	Station	Crime Number	Offence
1	Thuthukudi District North Station Police	1215/1988	148, 149, 307 IPC
2	Chennai City, Egmore Station Police	305/96	365, 348, 324, 384, 506(ii) IPC r/w 120 (b) IPC
3	Egmore Police Station, Chennai	530/96	341, 332, 353, 307, 506(ii) r/w 28 arms act & Section 3 r/w 25(1) (B) (A) Indian Arms Act.
4	Chennai City, Neelankarai Police Station	338/97	392 IPC
5	Chennai City, Amainthakarai Police Station	2310/97	392, 397, 506(ii) IPC 4 & 5 of Explosive Substance Act, 1908

6	Chennai City, Egmore Police Station	1140/98	385, 506(ii) IPC r/w 9(1) of Explosive Substance Act, 1908
7	Chennai City, Egmore Police Station	1142/1998	353, 332, 307, 506 (ii) IPC r/w 4 and 5 of Explosive Substances Act, 8061
8	Chennai City, Egmore Police Station	201/1999	147, 148, 341, 302, 506(ii) IPC r/w 149, 120(b) IPC
9	Thoothukudi District, Murappunadu Police Station	262/2000	364, 302, 201 IPC Arms Act
10	Chennai Central Crime Branch (CCB), Police Station	896/03	25(1)(1a)(B) r/w 3 & 7 of Arms Act
11	Coimbatore District, Thudiyalur Police Station	1239/2004	389, 399, 402 IPC
12	Chennai Ambathur Police Station	1116/04	25(a) IA Act, 1959 r/w 41 & 102 Cr.P.C
13	Chennai Villivakkam Police Station	1939/04	397, 511 IPC
14	Chennai Villivakkam Police Station	280/06	364(a), 342, 307 & 120(b) IPC & r/w 5 of IA act
15	Coimbatore District, Kovilpalayam Police Station	10/07	147, 365 & 302 IPC r/w 25 of Indian Arms Act
16	Coimbatore District, Kovilpalayam Police Station	11/07	148, 364, 342, 384 IPC r/w 25 of Indian Arms Act
17	Chennai City, Basin Bridge Police Station	426/07	364, 342, 323, 307, 506(II) IPC r/w 27 of Arms Act, 1959
18	Madurai District, Koodalpudur Police Station	386/2008	448, 307 IPC r/w 25 (1)(A) of the Arms Act, 1959

19	Madurai City, Karimedu Police Station	611/10	25(1) (A) Arms Act 1959 r/w 387, 506 (i) IPC
20	Thoothukudi District, North Police Station	296/2010	294(b), 384, 324, 307, 506(i) IPC and 25(1-A) Arms Act
21	Annanagar Police Station, Madurai City	1540/11	353, 506(ii) IPC & 25(1) (a) Arms Act and 5 of ES Act, 1908
22	Coimbatore City, E2 Peelamedu Police Station	34/2016	365, 307, 395 IPC r/w 397, 506(i) IPC and 25(1XA) of Arms Act

5. Taking into account the nature of offence and the fact that the petitioner is a habitual offender against whom there are several cases pending and only A1 has been arrested so far and the other accused are still absconding, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
29/10/2020

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 INSPECTOR OF POLICE (LAW AND ORDER)
J-9, THURAIPAKKAM POLICE STATION,
THURAIPAKKAM,
CHENNAI-97.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. N.MOORTHY Advocate on payment of necessary charges

CRL OP.17048/2020

Date :29/10/2020

TA-09/11/2020