

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.18461 of 2020

Stalin

... Petitioner

Vs.

State Represented by

The Inspector of Police,
Pollachi Town East Police Station,
Coimbatore District.
(Crime No.1396 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.1396 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 14.10.2020 for the offence punishable under Sections 341, 342, 363, 294 (b), 323, 506 (ii) of IPC @ Sec. 147, 148, 341, 342, 294 (b), 323, 324, 364(A) and 506 (ii) of IPC, in Crime No. 1396 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and kidnapped him. They had threatened the defacto complainant and demanded a sum of Rs.1 Crore and thereafter pushed him from the car. Hence, the complaint.

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. He would further submit that there is no specific overt act against the petitioner and the petitioner's name was not present in the FIR and he has not committed any offence as alleged by the prosecution. He would further submit that the incarceration of the petitioner is more than 47 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the A2 and the defacto complainant are close friends. The other accused are friends of A2. The defacto complainant is doing

finance business. The petitioner along with other accused, with an intention to extract money from the defacto complainant, thereby kidnapped the defacto complainant and kept him in the agricultural farm house and tied the hands and beat him severely and demanded a sum of Rs.1 Crore. He would further submit that there is no previous case as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration of the fact that the petitioner has no previous case and the petitioner is in custody from 14.10.2020 i.e., for more than 47 days., this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner is ordered to be released on bail and they shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before learned Judicial Magistrate - I, Pollachi.

(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 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

(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.

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

-sd/-

01/12/2020

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.I, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
POLLACHI TOWN EAST POLICE STATION,
COIMBATORE DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.18461/2020

Date :01/12/2020

RVR 02/12/2020

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