

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18026 of 2020

1. Sathish
2. M.Balaji

... Petitioners

-Vs.-

The State rep. by
The Inspector of Police
Pollachi Town Police Station
Coimbatore District.

... Respondent

MR.K.SANTHAKUMAR [PETITIONER / INTERVENER /
ORDERED AS PER ORDER DEFACTO COMPLAINANT]
OF THIS COURT DATED 10/12/2020
MADE IN CRL.MP.NO.7510/2020
IN CRL.OP.NO.18026/2020

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1396 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.N.Chinnaraj

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

For Intervener : Mr.S.Shankar

WEB COPY

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 342, 363, 294(b), 323 and 506(ii) of IPC in Crime No.1396 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Santhakumar is that the petitioners along with other accused waylaid the de facto complainant and later, kidnapped him in a car and taken him to secluded place and by threatening with knife, demanded ransom from the wife of the de facto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that he is not pressing the application in respect of the second petitioner-A4 and he has filed a Memo to that effect. However, he would submit that as far as the first petitioner is concerned, he is innocent and he has been falsely implicated in this case only based on the confession statement of the other accused. Hence, he prays to grant anticipatory bail to the first petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed this petition stating that it is a case of kidnap for ransom and that the victim was kidnapped to secluded place and he was threatened and assaulted for ransom. He would submit that the involvement of the first petitioner has been confirmed by the arrested accused. He would submit that the first petitioner is the person, who has threatened with knife on the neck of the victim. He would further submit that the investigation is pending in this case. Hence, he opposed to grant anticipatory bail to the first petitioner.

5. The learned counsel for the intervener/de facto complainant would submit that the victim was kidnapped and taken to secluded place, attacked and beaten. He would submit that the first petitioner is the person, who was threatened the victim with knife on the neck and hence, he objected to grant anticipatory bail to the first petitioner.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is not inclined to grant anticipatory bail to the first petitioner.

7. In view of the Memo filed by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as not pressed insofar as the second petitioner is concerned. As far as the first petitioner is concerned, this Criminal Original Petition is dismissed.

-sd/-
10/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE INSPECTOR OF POLICE,
POLLICHCHI TOWN POLICE STATION,
COIMBATORE DISTRICT

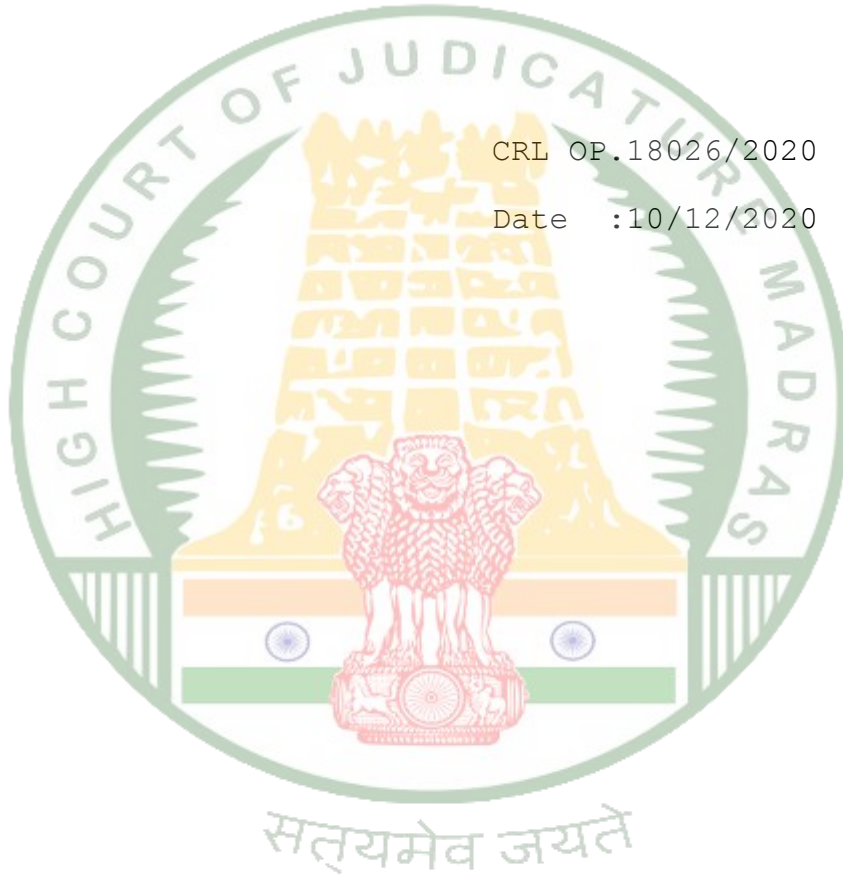
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.18026/2020

Date :10/12/2020

cs 22/12/2020



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