

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18354 of 2020

1.Vinoth
2.Selva Ganapathi
3.Sheik Ahamed Thaha

... Petitioners/Accused

Vs.

The State represented by,
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.1456 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 1456 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 26.09.2020 for the offences punishable under Sections 447, 342, 365 of IPC @ 449, 364(A), 395 r/w 397 of IPC, in Crime No. 1456 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, who is working as a Typist in the office of MLA at Udumalpet, is that on 23.09.2020 she along with one Karnan was alone in the office, four persons came there by wearing monkey cap and masks in their face and by threatening her, had kidnapped the victim and took him in a white colour Swift Car. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that with regard to the first petitioner/Vinoth S/o.Ramachandran is concerned, the petition is withdrawn as not pressed and the petitioners 2 and 3 are innocent persons and they have

been falsely implicated in this case. He would further submit that there are totally eight accused in this case and that the petitioner/A1 in this case is a prospective candidate seeking MLA seat and that the present MLA had animosity because of that, the petitioners have been falsely implicated in this case. He would submit that the kidnapping for ransom did not arise. The petitioners, defacto complainant and the victim are all known to each other and they all belong to the same political party and that they have rival of interest in securing the MLA seat. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are totally eight accused in this case and they have kidnapped the victim in this case and thereafter, they have snatched the ATM card of the victim and withdrew an amount of Rs.50,000/- at MLA office and also robbed his gold chain, ring and cell phone. Further, they have demanded a sum of Rs.10,00,000/- as ransom. Later, the victim was released. Hence, he opposed to grant bail to the petitioners.

5.Taking into consideration the facts and submissions made by the learned counsels and the petitioners are in judicial custody from 26.09.2020, this Court is inclined to grant bail to the petitioners 2 and 3 subject to the following conditions:

(a) Accordingly, the petitioners 2 and 3 are 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 Judicial Magistrate No.I, Udumalpet, 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 petitioners 2 and 3 shall report before respondent police everyday at 10.30 a.m., until further orders.

(d) the petitioners 2 and 3 shall not commit any offences of similar nature;

(e) the petitioners 2 and 3 shall not abscond either during investigation or trial;

(f) the petitioners 2 and 3 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 petitioners 2 and 3 in accordance with law as if the

conditions have been imposed and the petitioners 2 and 3 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/12/2020

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, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
UDUMALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.18354/2020

Date :04/12/2020

MN-11/12/2020