

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19642 of 2020

Anandan

... Petitioner

Vs.

The State, Represented by
Inspector of Police,
N-3 Muthialpet Police Station,
Chennai District.
(Crime No.956 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.956 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.R.Sivakumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.09.2020 for the offences punishable under Sections 419, 364(A), 324, 342, 464, 465, 468, 392 r/w 395 of IPC and Section 25 (1A) Arms Act 1959 in Crime No.956 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant Diwan Akbar is that on 17.08.2020 at about 1.15. a.m. while he was returning from his friend's place, five persons posing themselves to be Officers from N.I.A, had kidnapped him and kept him in illegal custody and also assaulted him. Thereafter, they had taken an amount of Rs.2 Crores through his brother Thameemun Ansari as ransom and after receipt of the amount, they released the victim. The respondent, during the course of investigation, found that totally 11 accused have involved in the case and all the accused were arrested.

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 submit that even as per the case of the prosecution, the petitioner is stated to have accompanied the main accused in the vehicle when the victim was kidnapped. He would further submit that all the main accused have been detained under Act 14 of 1982 and some of the accused, who have participated in the offence in other ways, have been granted bail. He would submit that excepting the travel with the main accused in the vehicle, the

petitioner has not committed any offence of threatening or demanding ransom. He would submit that co-accused have been granted bail in CrI.OP.Nos.17498 & 17663 of 2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent would vehemently oppose stating that the main accused have been detained under Act 14 of 1982. He would submit that the role of the petitioner is that he had travelled with the other accused when the victim was kidnapped and taken to Resort in ECR.

5. Heard the learned Counsel on either side and perused the materials placed on record.

6. Taking into consideration the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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 XVI Metropolitan Magistrate, George Town, Chennai, 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 shall report before the respondent police everyday at 10.30 a.m. until further orders;

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

(e) the petitioners 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/-

11/12/2020

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 XVI OF METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
N-3 MUTHIALPET POLICE STATION,
CHENNAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S.M.R.SIVAKUMAR Advocate on payment of necessary charges

CRL OP.19642/2020

Date :11/12/2020

RVR 14/12/2020

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