



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) Nos.9629 and 10588 of 2020

Sivanesan	... Petitioner/Accused No.9 in CRL OP (MD) No.9629 of 2020
Subbu @ Subramaniyan	... Petitioner/Accused No.10 in CRL OP (MD) No.10588 of 2020

Vs

The State rep.by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
Crime No.720/2020.

... Respondent/Complainant
in both petitions

For Petitioner : Mr.S.Deenadhayalan, Advocate.
in CRL OP (MD) No.9629 of 2020
For Petitioner : Mr.C.Suresh Kannan, Advocate
in CRL OP (MD) No.10588 of 2020
For Respondent : Mr.K.R.Bharathikannan,
Government Advocate (Crl.Side)
in Both Petitions

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

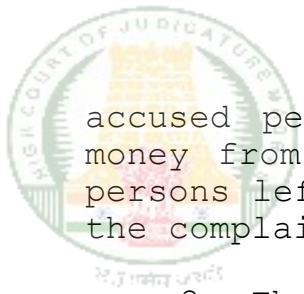
COMMON PRAYER :-

For Bail in Crime No.720/2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners /A9 and A10 herein were arrested on 12.08.2020 and 28.07.2020 respectively for the alleged offences under Sections Man Missing @ 341,342,352,506(ii) and 364(A) and 188 of IPC

2. The case of the prosecution is that on 21.07.2020 when the victim Seeman who is the brother of the defacto complainant was walking near Oranipuram A1 and A2 with the assistance of other



accused persons said to have kidnapped the victim and demanded money from his family. Subsequently on 22.07.2020 all the accused persons left the victim at Thittachery in Nagai and fled away. Hence the complaint.

3. The learned counsel for the petitioners would submit that the only on the confession given by A1 these petitioners have been implicated as A9 and A10 and A9 was arrested on 12.08.2020 and a10 was arrested on 28.07.2020. He would also submit that the petitioners are innocent and they have nothing to do with the alleged crime since they did not involve in the occurrence as alleged by the prosecution and there is no material available to implicate the petitioners herein. Even according to the prosecution only A3 introduced the first accused to the petitioners herein and therefore no specific overt act has been attributed against the petitioner. Hence he prayed for bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners with the assistance of A1 to A7 kidnapped the victim on 21.07.2020 for ransom and thereafter they left the victim in lurch and fled away from the scene of occurrence.

5. There are totally ten accused in this case and the petitioners herein are arrayed as A9 and A10. According to the defacto complainant A1 and A2 with the assistance of other accused persons said to have kidnapped the victim on 21.07.2020 and left him alone on 22.07.2020. Insofar as the petitioners herein are concerned they have been implicated as accused only based on the confession given by A1.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Orthanadu.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

<https://hcservices.courts.gov.in/hcservices> petitioners shall not tamper with evidence or witness.



iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/10/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUVONAM POLICE STATION, THANJAVUR DISTRICT.
4. THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.
5. THE OFFICER INCHARGE,
SUB JAIL, NAGAPATTINAM.
6. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.SURESH KANNAN Advocate SR.No.6821

ORDER IN
CRL OP(MD) Nos.9629 and
10588 of 2020
Date :07/10/2020

AAV
TK/PN/SAR.2/07.10.2020/3P/8C

<https://hcservices.ecourts.gov.in/hcservices/>