

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.3057 of 2021

Kumaresan

... Petitioner

Vs.

The State

... Respondent

Represented by the Inspector of Police
M-5, Ennore Police Station
Chennai, Tamil Nadu
(Crime No.151/2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.151 of 2020 on the file of the Respondent.

For Petitioner : Mr.D.Prasanna Kumar

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 148, 294(B), 323, 342, 364A, 397 and 506(2) IPC, in Crime No.151 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Ramesh is that on 28.02.2020 while he along with his friends was consuming liquor in Tasmac bar near Ennore bus stand, four unknown persons surrounded him and claimed themselves to be the persons belonging to one Dhanasekar gang had kidnapped him in a motorcycle and taken him to a Chinna Kuppam IP Bungalow and demanded a ransom of Rs.3 Lakhs. When the defacto complainant refused to part away with money, they have assaulted him indiscriminately and threatened him with knife and thereafter taken ATM cards from him and after getting PIN number, they had withdrawn Rs.96,000/- from his account using three ATM cards and released him on condition that he should pay them Rs.20,000/- every month as mamool. Subsequently, one advocate called Vetri came to the scene of occurrence and in the guise of compromising him threatened him not to give any police complaint and thereafter they have chased him away from the scene of occurrence. Hence the complaint.

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 further submit that the earlier application for anticipatory bail filed by the petitioner in Crl.O.P.No.16801 of 2020 was dismissed by this Court on 28.10.2020. He would further submit that the other arrested accused have been enlarged on bail, thereby, he would seek for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a person belonging to the notorious gang and it is their usual modus operandi to kidnap persons and demand ransom from them. In this case, the petitioner along with other accused had kidnapped the defacto complainant and taken him to a secluded place and assaulted him and by threatening him taken his ATM cards and obtaining the PIN numbers had withdrawn Rs.96,000/- using his three ATM cards. He would further submit that as far as the petitioner is concerned he has two previous cases, one for the offence u/s.302 IPC and other case is for the similar offence.

5.At this juncture, learned counsel for the petitioner would submit that the amount of Rs.96,000/- has been recovered from the other arrested accused and that he has also been acquitted from the earlier case for 302 IPC offence. He would further submit that the occurrence is stated to have taken place one year back.

6.Heard the counsels.

7.Taking into consideration the fact and the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

(a) the petitioner is directed to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate, Thiruvottriyur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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. and 5.30 p.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/02/2021

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,
THIRUVOTTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.

+1 CC to M/S. D.PRASANNA KUMAR Advocate on payment of necessary charges SR NO. 2314

CRL OP.3057/2021

Date :24/02/2021