

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2110 of 2021

1. N. Amaresh
2. K. Thiagaraj

... Petitioners

Vs.

State rep by
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
Cr.No.702 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Cr. No.702 of 2020 on the file of the respondent police.

For Petitioners : Mr.G. Shanmugam

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 02.12.2020 for the offence punishable under Sections 364(A) of IPC in Crime No.702 of 2020, seek bail.

2. Totally, there are 11 accused and the petitioners are A1 and A2. The case of the prosecution is that A8 and A9 in this case were employed under the defacto complainant for some time. Thereafter, with the help of other accused, they abducted the defacto complainant and demanded money. Since, he refused to give, they have taken the ATM Card of the defacto complainant and purchased gold jewells for them. Hence, they were arrested on 02.12.2020 . Now, seeking bail the present application has been filed.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. They are in jail from 02.12.2020. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused persons abducted the defacto complainant and snatched his ATM card and using the same, they withdraw money and purchased gold jewells and all the accused shared the jewells between them. She would further submit that now the case properties were recovered and investigation is almost completed. She would also submit that A1 was detained under Act 14 of 1982 and one of the accused is still absconding. Hence, she vehemently opposed to grant bail to the petitioners.

5. Recording the submission of learned Additional Public Prosecutor, this Criminal Original Petition is closed as against the first petitioner/A1, namely N. Amaresh.

6. So far as the 2nd petitioner, namely, K. Thiyagaraj, is concerned, considering the fact that case properties were recovered and investigation is almost completed and also taking note of the period of incarceration suffered by the second petitioner, this Court is inclined to grant bail to the 2nd petitioner subject to the following conditions:-

(a) Accordingly, the 2nd 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 learned Judicial Magistrate-II, Hosur, 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 second petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

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

(e) the second petitioner shall not abscond either during investigation or trial;

(f) the second 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.

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

-sd/-
05/03/2021

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 NO.II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

+1CC to G.SHANMUGAM Advocate on payment of necessary charges
SR NO.2842

CRL OP.2110/2021

Date :05/03/2021

MK:08/03/2021

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