

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04..03..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4211 of 2021

Siva @ Sivan

... Petitioner

-Versus-

The State Rep. by
Inspector of Police,
Sathyamangalam Police Station,
Erode District.
[Crime No.15 of 2021] Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 15 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. A.T.Anbu Kumar

For Respondent : Mrs.M.Prabhavathi, APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 15.01.2020 in connection with a case registered in Crime No.15 of 2021 on the file of the respondent for the offence punishable under Sections 364-A, 386, 506(i) and 342 of IPC, seeks bail.

2. There are totally 19 accused in this case and the petitioner is stated to be arrayed as All. The allegation is that all the accused abducted the de facto complainant's husband for ransom of Rs.50,00,000/- but later on settled it for Rs.25,00,000/- and released the victim on payment of ransom. On a complaint from the wife of the victim, a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is in custody for more than 45 days and there is no specific over act attributed to the petitioner. A1, who is the main accused and A2, A3, A5 to A8 and A13 were already released on bail by the learned Sessions Judge, Erode.

4. The learned Additional Public Prosecutor would strongly oppose the bail petition stating that the petitioner along with the other accused abducted the husband of the de facto complainant for ransom of Rs.50,00,000/- but, later on settled it on Rs.25,00,000/- and the ransom amount were recovered from the arrested accused. According to him, this petitioner was also actively involved in the offence.

5. I have considered the rival submissions carefully.

6 A perusal of the bail orders of the trial court would show that the main accused were released on bail. Considering the above and on considering the fact that the petitioner has been in judicial custody for the last more than 45 days and the other facts and circumstances of the case, this court is inclined to grant bail, however, with stringent conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing 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, Sathiyamangalam, Erode District, 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 appear before respondent police daily at 10.30 a.m. without fail until further orders and thereafter, as and when required by the police.**

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

(e) the petitioner 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/Judge/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 has been released on bail by the learned Magistrate/Judge/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/-
04/03/2021

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,
SATHIYAMANGALAM, ERODE DISTRICT,

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHYAMANGALAM POLICE STATION,
ERODE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.A.T.ANBU KUMAR Advocate on payment of necessary charges SR.NO.2756

CRL OP.4211/2021

Date :04/03/2021

TA-05/03/2021

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