

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5815 of 2021

Nelson

... Petitioner

Vs.

State rep. by  
The Inspector of Police,  
Hudco Police Station,  
Krishnagiri Dt.  
(Crime No.663 of 2018)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.663 of 2018 on the file of the respondent Police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mrs.M. Prabhavathi,  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

totally, there are six accused and the petitioner is arrayed as A6. The petitioner, who was arrested and remanded to judicial custody on 21.01.2021 for the offence punishable under Sections 364 A of I.P.C., in Crime No.663 of 2018, seeks bail.

2. The case of the prosecution is that in the year 2018, all the accused said to have abducted the defacto complainant's father for ransome and subsequently, they left him. Hence, a criminal case has been registered against the petitioner. The other accused are arrested in the year 2019 and released on bail and the petitioner was absconding. Now, the petitioner was arrested and remanded to judicial custody on 21.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner name is not found place in the F.I.R. and only on the confession of other accused, he has been implicated and he is also not aware of the fact

that he was implicated as accused. Now, he is in jail for more than three months. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that all the accused abducted the father of defacto complainant for ransom and on the confession of other accused, he was arrested. It is stated that other arrested accused were released on bail. She would submit that now the investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the occurrence was taken place in the year 2018, the other arrested accused were released on bail and also considering the period of incarceration suffered by the petitioner for three months, 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 **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 petitioner, after his release from prison, shall report before the respondent police at 10.30 a.m. for the period of two weeks and thereafter, as and when required for interrogation;**

(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/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/-  
24/03/2021

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 PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
HUDCO POLICE STATION,  
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.5815/2021

Date :24/03/2021

TA-25/03/2021

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