

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

CrI.O.P.No.8547 of 2021

Jeeva @ Jeevan

... Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
(Crime No.119 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.119 of 2021 on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.L.Charles Premkumar
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is in custody since 15.04.2021 for the offence under Sections 364 (A), 365, 383 and 387 of IPC. The case of the prosecution is that the accused joined together and kidnapped the de-facto complainant for a sum of Rs.5,93,000/-. The petitioner's counsel would point out that even though the occurrence had taken place on 08.04.2021 and 09.04.2021, the complaint was given only on 13.04.2021. Based on the complaint given by the de-facto complainant a sum of Rs.1,60,000/- had already been recovered.

3.The learned Government Advocate (Criminal Side) would point out that the petitioner had received a sum of Rs.40,000/- and also a mobile phone.

4.The petitioner's counsel there upon given an undertaking that a sum of Rs.60,000/- will be deposited to the credit of Crime No.119 of 2021 within a period of two weeks. Subject to the undertaking

given by the petitioner through his counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions. The petitioner shall file an affidavit before the learned Judicial Magistrate No.II, Hosur, indicating the amount of Rs.60,000/- will be deposited within a period of two weeks. If the amount is not deposited, the bail order will be recalled and the petitioner will be committed to custody.

(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 No.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, on his release from prison, shall report before the respondent police everyday at 10.30 a.m for a period three weeks.

(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.

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

-sd/-

06/05/2021

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.

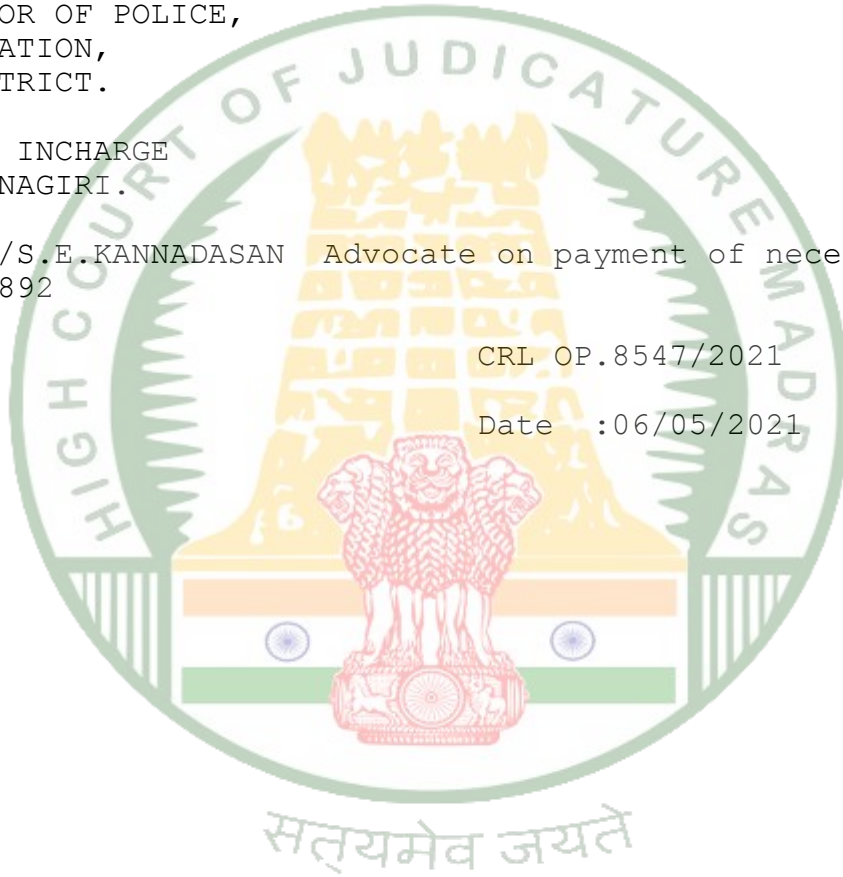
5 THE OFFICER INCHARGE
SUB JAIL, KRISHNAGIRI.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.5892

CRL OP.8547/2021

Date :06/05/2021

TA-07/05/2021



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