

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.8637 of 2021

Vijayakumar

.. Petitioner

Vs.

The State rep. by  
The Inspector of Police  
Sathyamangalam Police Station,  
Erode District.  
Crime No.15 of 2021

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner in the event of his arrest by the respondent police in Cr.No.15 of 2021 on the file of the respondent police.

For Petitioner : Mr. S.N.Arunkumar

For Respondent : Mr. T.Shunmugarajeswaran  
Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 364(A), 386, 506(i), 147, 120(b) and 342 of IPC, in Crime No.15 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Totally there are 19 accused in this case and the petitioner is arrayed as A18. The case of the prosecution is that the petitioner along with other accused kidnapped the husband of the defacto complainant for the purpose of extracting money.

3.The learned counsel appearing for the petitioner would submit that the the name of the petitioner is not found place in the First Information Report and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner has received a sum of Rs.9,00,000/- under the guise of selling Antique Articles. The said sum of Rs.9 lakhs and a car, which was used for the commission of the offence are yet to be recovered from the petitioner. He would further submit that out of 19 accused, 13 accused were arrested and released on bail and 3 of them were granted anticipatory bail. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that co-accused in this case were already released on bail,, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sathyamangalam, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[e] 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].

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

-sd/-

12/05/2021

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,  
SATHYAMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges Sr.6099

CRL OP.8637/2021

सत्यमेव जयते Date :12/05/2021

RVR 15/06/2021

WEB COPY