IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM:

THE HON'BLE Ms.JUSTICE R.HEMALATHA

CRL.O.P.No.9323 of 2021

B.Gowrishankaran @ Gowrishankar ... Petitioner

Versus

State Rep by,
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri.
(Crime No.107 of 2021). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in Crime No.107 of 2021 pending on the file of respondent police.

For Petitioner : Mr.A.Manojkumar

For Respondent : Mr.E.Raj Thilak,
Government Advocate (Crl. Side)

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ORDER

(The case has been heard through Video Conference)

The petitioner, who was arrested and remanded to judicial custody on 28.04.2021 for the offences punishable under Sections 294(b), 364(A), 506(ii) of IPC in Crime No.107 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 27.04.2021, the petitioner/A2 along with A1 and A3 kidnapped the defacto complainant and demanded money from him and also stole his car.

3.The learned counsel appearing for the petitioner contended that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He further contended that the petitioner is in custody from 27.04.2021. Hence, he prays to grant bail to the petitioner.

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https://hcservices.ecourts.gov.in/hcservices/

4.Per Contra, the learned Government Advocate (Crl.Side) appearing for the respondent Police on instructions would submit that in this case, A1 was arrested only on 15.05.2021 and A3 is still absconding and therefore, prayed for dismissal of the bail application.

5.It is seen from the records that the car belonging to the defacto complainant has been recovered from the petitioner. Taking into consideration of the period of incarceration from 27.04.2021 and also the fact that most part of the investigation has been completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent, Sub-Jail, Hosur and thereafter on his release, shall execute a bond for Rs.10,000/- with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate No.II, Hosur within a period of two weeks from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(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 report before the Inspector of Police, Komarapalayam Police Station, Namakkal daily at 10.30 a.m., until further orders;

(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.

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

-sd/-
19/05/2021

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 OFFICER INCHARGE,
SUB-JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI.

6 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL.

CC to M/S. A.MANOJKUMAR Advocate on payment of necessary charges

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CRL OP.9323/2021

Date :19/05/2021

MK:20/05/2021

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