

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9901 of 2021

Adeeb Araib

... Petitioner/Accused

Vs

State: 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.M.P.Saravanan

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

O R D E R

(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 in Crime No.119 of 2021. 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/-.

3.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. Further, he would point out that the co-accused Jeeva @ Jeevan has already been released on bail by this Court in Crl.O.P.No.8547 of 2021 dated 06.05.2021. hence, he prays to release the petitioner on bail.

4.The learned Government Advocate (Criminal Side) would point out that the petitioner had received a sum of Rs.1,23,000/- and also two sovereign of gold chain.

5.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 amount of Rs.60,000/- (Rupees sixty thousand only) will be deposited to the credit of the crime No.119 of 2021 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 that he shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen days from the lifting of lockdown and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

(c) 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;

(d) the petitioner, on his release from prison, shall stay at Chennai and report before Egmore Police Station, Chennai, daily at 10.30 a.m and 05.30 p.m., until further orders.

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

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-

09/06/2021

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 SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

6 THE OFFICER INCHARGE
EGMORE POLICE STATION,
CHENNAI.

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

CRL OP.9901/2021

Date :09/06/2021

cs 10/06/2021



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