

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19493 of 2020

1.Pesala Venkata Siva Reddy
2.Kandula Venkata Subha Reddy

... Petitioners

Vs.

State Rep. by
The Sub Inspector of Police,
Gudiyatham Town Police Station.
(Crime No.1132 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of their arrest in Crime No.1132 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 363 of IPC @ 363, 147, 342, 323, 386, 506(i) of IPC, in Crime No.1132 of 2020, seek anticipatory bail.

2. According to the prosecution, totally there are 8 accused in this case, the petitioners are ranked as A4 and A5. The case of the prosecution is that the de facto complainant was kidnapped for ransom. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that a false case has been foisted against the petitioners and they have nothing to do with the alleged offence, as a result of which false case has been foisted against the petitioners. He would further submit that co-accused have already been arrested and released on bail. Hence, he prays for grant of anticipatory bail to the

4. The learned Additional Public Prosecutor submitted that the co-accused have already been released and he would further submit that there is no bad antecedents as against the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners

5. Taking into consideration, the facts and circumstances of the case that the petitioner had no bad antecedents and co-accused has already been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Gudiyatham, on condition that each of the petitioner shall execute a separate 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their 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 petitioners shall report before the respondent police, as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

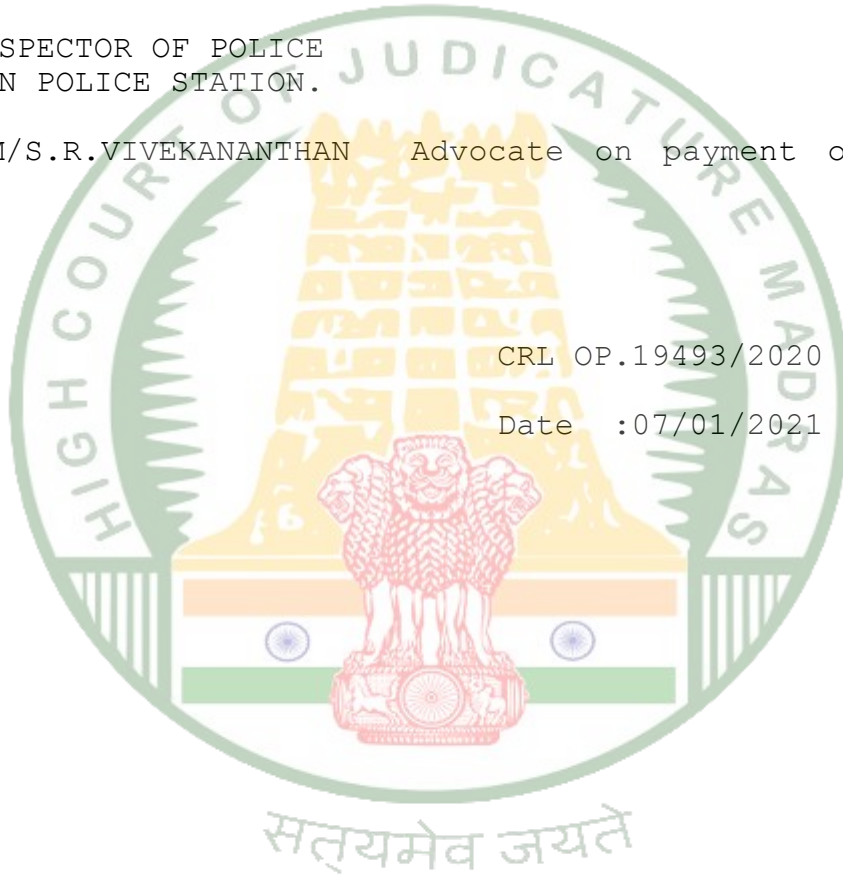
4 THE SUB INSPECTOR OF POLICE
GUDIYATHAM TOWN POLICE STATION.

CC to M/S.R.VIVEKANANTHAN Advocate on payment of necessary
charges

CRL OP.19493/2020

Date :07/01/2021

cs 02/02/2021



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