

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19780 of 2020

S.Pushpamary @ Siriyapushpamary

...Petitioner

Vs.

State Rep. by
Inspector of Police,
Kundadam Police Station,
Tiruppur District.
Crime No.1096 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in Crime No. 1096 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Thiruvengadam

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 364A @ 364A, 323 and 506(ii) of IPC in Crime No.1096 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused are alleged to have kidnapped the brother of the *de facto* complainant and demanded ransom of Rs.7,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case since she is working with the first accused. He would submit that the petitioner is a lady and she has nothing to do with the alleged offence. He would submit that the co-accused have been arrested and enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally five accused in this case and the petitioner is A5. He would submit that it is a heinous crime of offence for kidnapping 7 years old boy for ransom of Rs.7,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and also the fact that the petitioner is a lady and the co-accused were granted bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tharapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall appear before the learned Judicial Magistrate, Tharapuram, every Monday at 10.30.a.m until further orders.

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

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

[f] 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].

[g] 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/-

04/01/2021

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,
THARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.P.THIRUVENGADAM Advocate on payment of necessary charges SR NO. 71

सत्यमेव जयते

CRL OP.19780/2020

Date :04/01/2021

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