

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.20404 of 2020

Subramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Fairlands Police Station,
Salem District.
[Crime No. 794 of 2020]

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of her arrest by the respondent police in Crime No.794 of 2020, on the file of the respondent police.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 397 of IPC altered to 341,392 r/w 397, 506(ii), 363 and 511 of IPC, in Crime No.794 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that on 04.07.2020, when the defacto complainant was returning home in his car, the accused had waylaid the defacto complainant at knife point and also kidnapped him for ransom. Thereafter, when the public came to the occurrence place, the accused had ran away from the place along with a sum of Rs.16,000/-. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the fourth application for anticipatory bail and the earlier application was dismissed on the ground that the custodial interrogation of the

petitioner was required. He would further submit that the petitioner was not present at the scene of occurrence and he has been falsely implicated in this case based on the confession recorded from the arrested accused. He would submit that A1 in this case has been detained under Act 14 and two other accused were arrested and also released on bail by the District Sessions Judge, Salem, in Crl.M.P.No.2514 of 2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that this is the fourth application for anticipatory bail. He would submit that the petitioner is the master brain who had sketched the plan and he is the one who had informed the other accused that the victim/defacto complainant is a rich man and having lot of money and if he is kidnapped, they could get lot of money from his wife and based on his plan, the other accused committed the offence. He would submit that the earlier application was dismissed on the ground that the custodial interrogation of the petitioner was necessary and that there is no change in circumstances. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration that even as per the confession the petitioner is the master brain who had sketched the plan to commit the robbery and there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

08/01/2021

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 INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.SUNDARAPANDIYAN Advocate on payment of necessary charges

CRL OP.20404/2020

Date :08/01/2021