

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.20814 of 2020

S.Sathish

... Petitioner

-Vs.-

The State rep. by  
The Inspector of Police  
Pollachi Town Police Station  
Coimbatore District.  
(Crime No.1396 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 his arrest in Crime No.1396 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Suryakumaran

For Respondent : Mr.C.Iyyapparaj  
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 341, 342, 363, 294(b), 323 and 506(II) of IPC in Crime No.1396 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant Santhakumar is that the petitioner along with other accused waylaid the *de facto* complainant and later, kidnapped him in a car and taken him to secluded place and illegally detained him by threatening with knife, demanded ransom from the wife of the *de facto* complainant and also taken Rs.55,000/-. Further during course of investigation, it came to light the accused and the *de facto* complainant are known to each other and the accused on the belief that the *de facto* complainant was having huge amount in order to taken away money kidnapped him in a car and taken him to secluded place and demanded ransom in lakhs, However, unable to achieve the object an amount of Rs.55,000/- has been demanded from the wife of the *de facto* complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since happened to be friend of the first accused. He would further submit that earlier application was dismissed on the ground that the petitioner is the person, who is stated to have threatened the defacto complainant by keeping knife on his neck. He would further submit that a case of money dispute has been falsely projected as a case of kidnapping for ransom. He would further submit that some of the accused have been enlarged on bail and yet another accused similarly placed has been released of anticipatory bail. He would further submit that the petitioner understand that the amount of Rs.55,000/- has been recovered from the other arrested accused, however it has not been cited as case property. He would further submit that there is no previous case pending as against the petitioner and the petitioner is prepared to appear before the respondent police for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed this petition stating that the petitioner along with other accused kidnapped him in a car and taken him to secluded place and demanded ransom from the wife of the *de facto* complainant. He would further submit that co-accused has been enlarged on bail and one another accused released on anticipatory bail. He would further submit that the petitioner is the person, who is stated to have threatened the defacto complainant by keeping knife on his neck.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, that some of the accused have been enlarged on bail and that the co-accused has been released on anticipatory bail and that despite the earlier dismissals no step had been taken by the respondent, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate-I, Pollachi, on condition that the petitioner shall execute a 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 arrestor 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m., and 05.30 p.m., until further orders.

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

[d] the petitioner 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/01/2021

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,  
NO.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
POLLACHI TOWN POLICE STATION,  
COIMBATORE DISTRICT.

+1 CC to M/S.R.SURYAKUMARAN Advocate on payment of necessary charges SR NO. 162

CRL OP.20814/2020

Date :05/01/2021