



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.20633 of 2021

WEB COPY

1. Anikit Kumar Singh
2. Prince Kumar

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
(Crime No.359 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.359 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

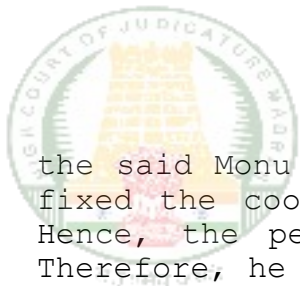
For Intervenor : Mr.C.Munusamy

ORDER

The petitioners who were arrested on 05.09.2021 and remanded to judicial custody for the offences under Sections 342, 364A of IPC in Crime No.359 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant doing business by arranging labour contract at Athipalli, Bangalore. On 03.09.2021, one Monu Kumar Rajpat has contact him over phone and informed that the petitioners along with others abducted his brother at knife point and detained him in their room and demanded him for a sum of Rs.1,00,000/-. Hence, on receipt of information, the defacto complainant gave a complaint before the law enforcing agency.

3. The learned counsel for the petitioners submits that the petitioners are an innocent person and they are no way connected with the alleged offences and they have been falsely implicated in this case. He further submits that the defacto complainant and his employee viz., Monu Kumar Rajpat, on the direction of the defacto complainant,



the said Monu Kumar brought the petitioners and others from Bihar and fixed the coolie for them, but, he did not paid coolie to them. Hence, the petitioners and others asked them to pay their coolie. Therefore, he prays for grant of bail to the petitioners.

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4. The learned counsel for the intervenor vehemently opposed for grant of bail to the petitioners.

5. The learned Government Advocate (Cr1.Side) submits that except this case there are no previous cases pending as against the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Hosur, Krishnagiri and on further condition that:

(a) 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 petitioners 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]; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
01/11/2021

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, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.12303

CRL OP.20633/2021

Date :01/11/2021

INBA-02/11/2021