



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No. 24804 of 2021

Raja M

...Petitioner

Vs.

The State of Tamil Nadu
Reptd by its Inspector of Police
Pollachi East Police Station
Pollachi
(Crime No: 510 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.510 of 2021 pending on the file of the Inspector of Police, Pollachi East Police Station Pollachi.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.09.2021 for the offences under Sections 363, 395 and 397 of I.P.C., in Crime No.510 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is running a wine shop bar. A1 was the employee of the defacto complainant. Since, A1 did not look after the bar properly, he was terminated by the defacto complainant. Subsequently, the defacto complainant asked A1 to show a good bar for doing business. On 29.09.2021, on the request made by A1, the defacto complainant went to Pollachi Kootur Bus Stand to see a shop for starting a Bar. At



that time, A1 along with other accused kidnapped the defacto complainant and taken a sum of Rs.1,04,300/-, a cell phone and 1/4 grams of gold from him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that this is the second application for bail and the earlier applications was dismissed by this Court in CrI.O.P.No.21746 of 2021 by order dated 26.11.2021 and A2 to A5 have been granted bail and that the petitioner has been suffering incarceration for more than 75 days from 30.09.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) would raise strong objection stating that the petitioner is arrayed as A1 and he along with other accused kidnapped the defacto complainant and extorted a sum of Rs.1,04,300/-, a cell phone and 1/4 grams of gold from him and there is one previous case against the petitioner but admits that a sum of Rs.88,000/- has been recovered and some of the co-accused have been released on bail and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that co-accused have been granted bail and part of the stolen amount has been recovered and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Crime No.510 of 2021 and on such deposit, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate-I, Pollachi, and on further conditions 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 petitioner shall report before the respondent police, on every Tuesday and Sunday at 10.30 a.m. until further orders.

(c)the defacto complainant is permitted to withdraw the deposit amount of Rs.15,000/- (Rupees Fifteen Thousand Only) on proper identification and acknowledgement.

(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]; and;

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

-sd/-

20/12/2021

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, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
POLLACHI EAST POLICE STATION,
COIMBATORE DISTRICT, TAMIL NADU-642 001.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.V.ARUN Advocate on payment of necessary charges
SR.NO.15096

CRL OP.24804/2021

Date :20/12/2021

RW 21/12/2021