



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.25105 of 2021

Manikandan

... Petitioner

Vs.

State rep. by
The Inspector of Police
Pulliampatti Police Station
Cr. No. 379/2021

... 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.379 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.Aravinthan

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 31.10.2021 for the offences under Sections 449, 147, 170, 364A, 368 of IPC, in Crime No.379 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on 27.10.2021 about 9.00 p.m., the petitioner along with other accused persons trespassed into the house of the de facto complainant and kidnapped her husband by falsely representing that they are police officials and thereafter, demanded a sum of Rs.20,00,000/- to release her husband. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that this is the second application for bail and the earlier application was dismissed in CrI.O.P.No.23587 of 2021 by order dated 07.12.2021 on the ground that the other accused were absconding but, now all the other accused have been secured and A5 has been granted anticipatory bail and that the petitioner has been suffering incarceration for more than 45 days from 31.10.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) would raise strong objection stating there are totally 7 accused involved in this case and the petitioner is arrayed as A1 who had introduced himself as an Inspector of Police and kidnapped the husband of the defacto complainant who is a Financier and threatened the defacto complainant to give an amount of Rs.20,00,000/- but admits that all the accused have been arrested and the investigation is almost completed.

5. On seeing the facts and circumstances of the case and the fact that all the accused have been arrested and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, that this court is inclined to grant bail to the petitioner.

6. Accordingly, 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, Sathyamangalam, 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 stay at Thiruchengodu and report before the Town Police Station daily at 10.30 a.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]; and;

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(f) 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,
SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PULLIAMPATTI POLICE STATION,
ERODE DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, GOBICHETTIPALAYAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
/ THE STATION HOUSE OFFICER,
THIRUCHENGODU TOWN POLICE STATION,
THIRUCHENGODU.

+1 CC to M/S.B.ARAVINTHAN Advocate on payment of necessary charges SR.NO.15146

CRL OP.25105/2021

Date :20/12/2021

JPA 21/12/2021