



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1924 of 2021

Aakash

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No.1523/2020.

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1523 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.01.2021 for the offences punishable under Sections 147, 365, 323 and 364A of IPC, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the de-facto complainant is running a coconut godown in Palani bypass road. The petitioner and other accused persons said to have kidnapped the de-facto complainant in a car for ransom and thereafter, extorted Rs.10,00,000/- from the de-facto complainant's brother and after receiving the money, the petitioners and other accused persons dropped the de-facto complainant near Vadamadurai Bypass Road. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is residing at Trichy and he does not know the de-facto complainant and his business background and the petitioner is studying M.C.A.II year in Crescent Institute of Science and Technology, Chennai and he is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has received only Rs.10,000/- and based on the confession of A-1, this petitioner has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 08.01.2021 onwards.

4.The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner and other accused persons said to have kidnapped the de-facto complainant in a car for ransom and the investigation is not yet completed and hence, he strongly opposed to grant bail to the petitioner.

5.It is seen that the petitioner has been arrayed as A-9 and he is pursuing M.C.A II year student in Crescent Institute of Science and Technology, Chennai. Due to lock down period, the petitioner had come to native place and the other accused are friends of this petitioner. It is also seen that though Rs.10,00,000/- was extorted from the de-facto complainant, this petitioner had been received only Rs.10,000/-. Admittedly in this case, A-5, A-7 and A-8 are friends and A-5 is the friend of A-1, who had engaged A-5. A-5, in turn, had called on his friend and this petitioner had been part of the occurrence. The only allegation is that the petitioner was keeping watch and surveillance in the scene of occurrence and there is no other role played by him.

6.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7.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 Court, Palani.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall report before the respondent police every Sunday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.

<https://hcservices.courts.gov.in/hcservices> The petitioner shall not tamper with evidence or witness.



iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, PALANI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
4. THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1924 of 2021
Date : 11/02/2021

SJI
TK/VR/SAR.3/11.02.2021/3P/6C