



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4074 of 2021

Bharath

... Petitioner/Accused No.4

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Sankar.M,
Advocate.

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

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

PRAYER :-

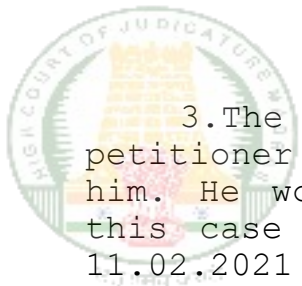
For Bail in Crime no. 1523 of 2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 08.01.2021 for the offences punishable under Sections 147, 365, 323 and 364 (A) 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.

<https://hccourts.in/home>



3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that similarly placed co-accused in this case namely A9 and A8 were granted bail by this Court on 11.02.2021 and 19.02.2021 in Crl.O.P(MD) Nos.1924 and 2678 of 2021.

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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.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that co-accused in this case were granted bail by this Court, this Court is inclined to grant bail to the petitioner by imposing conditions.

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, Palani, Dindigul District.

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 daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation

iii)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/-

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



AAV

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,
DINDIGUL DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION, DINDIGUL DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4074 of 2021

Date :17/03/2021

NR/PN/SAR-IV(17.03.2021) 3P:6C