



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5956 of 2021

1. Dhandayuthabani @ Sekar
2. Abdul Kuttus
3. Kannadasan
4. Parameswaran
5. Swaminathan
6. Kavi Deepan

... Petitioners/Accused No.1 to 6

Vs

State Rep. by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No. 151 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar.T,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

PRAYER :- For Bail in Crime No.151 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who was arrested on 15.04.2021 for the offences punishable under Section 364(A) IPC in Crime No.151 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.04.2021 at about 10.00 pm., the accused persons came to the house of the defacto complainant and forcibly took her husband in a car bearing Registration No.TN 50 AE 8088 and they demanded ransom of Rs.10 Lakhs or otherwise they would eliminate her husband. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the first petitioner is doing transport business and he made an arrangement with M/s.Golden Watts Distilleries for transporting liquor



bottles from the factory of TASMAC godown. The husband of the defacto complainant, namely, Bahseer Ahamed owned a lorry bearing registration No.TN 28 AU 6415 and the first petitioner engaged him to transport liquor bottles. While so, on 09.07.2020, the said Basheer Ahamed's vehicle loaded with 1100 cases of liquor bottles from the factory to transport the same to TASMAC godown at Ramanathapuram. On 10.07.2020, the driver of the above said vehicle informed that the vehicle met with an accident and toppled near Mimisal and the liquor bottles were broken and damaged. Therefore, the first petitioner rushed to the place of accident and made verification and it came to know that only 7 cases of liquor bottles were damaged and nearly 140 cases were missing. On enquiry, he came to know that 140 cases of liquor bottles were illegally transported to the house of the above said Basheer Ahamed. Hence, the first petitioner preferred a complaint before the Mimisal Police Station and the same was registered in Crime No.280 of 2020. Suppressing the above facts, the present complaint was lodged.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that all the accused in this case were arrested on 15.04.2021 and the investigation is pending.

5.Considering the nature of allegation against the petitioners and the fact that all the accused were arrested and they are in custody from 15.04.2021, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only)each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam and on further condition that:

[a]the petitioners and 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 daily at 10.30 am., until further orders.

[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



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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
27/04/2021

/ 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 NO.II, KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,,
SUB JAIL, THIRUEDIAMARUTHUR, KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5956 of 2021
Date :27/04/2021

GNS
JM/VR/SAR I/27.04.2021/3P/6C