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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

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

Crl.O.P.No.139 of 2022

X.Arockiasamy

...Petitioner

Vs.

State, Rep. by,
The Inspector of Police,
Chetpet Police Station,
Chetpet Chennai.
(Ref: Crime No.332 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in connection with the Crime No.332 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Senthamilarasu

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 06.12.2021 for the offence under Section 147, 148, 452, 364 A, 397, 506(ii) r/w. 120(b) I.P.C., in Crime No.332 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused kidnapped the de facto complainant's father and demanded ransom and also threatened him with dire consequences. 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 submit that co-accused / A2, A3, A5 have been granted bail and that the petitioner has been suffering incarceration for more than 25 days from 06.12.2021 and hence, he would pray for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would raise strong objection stating that there are totally 9 accused involved in this case and that the petitioner is arrayed as A6 but admits that co-accused / A2, A3 and A5 have been granted bail and that the investigation is almost completed.

5.On seeing the fact that some of the co-accused have been granted bail and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Metropolitan Magistrate Court-II at Egmore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Velankanni and sign before the Town Police station on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

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-sd/-

06/01/2022

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.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
CHETPET, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET.

COPY TO

THE INSPECTOR OF POLICE/STATION HOUSE OFFICER,
TOWN POLICE STATION,
VELANKANNI.

+1 CC to MR.J.SENTHAMILARASU Advocate on payment of necessary
charges SR.NO.255

CRL OP.139/2022

Date :06/01/2022

RW 07/01/2022