



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

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CORAM:

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

Crl.O.P.No.562 of 2022

1. Natarajan
2. Srinivasan

...Petitioners

Vs.

The State rep. by
The Inspector of Police,
Puliampatti Police Station,
Sathyamangalam Taluk,
Erode District.
(Crime No. 379 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.379 of 2021 on the file of the respondent police.

For petitioners : Mr.S.Kamadevan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 04.12.2021 for the offences under Sections 449, 147, 170, 364(A) & 368 IPC, in Crime No.379 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 27.10.2021 at about 9.00 p.m., the petitioners 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 threatened the de facto complainant over phone and demanded a sum of Rs. 20 lakhs for the release of her husband. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence and that based on the confession of A1 the petitioners have been falsely implicated in this case. He would further submit that A1 had already been released on bail by this Court in Crl.O.P. No. 25105 of 2021 order dated 20.12.2021. He would further submit that the petitioners have been suffering incarceration from 04.12.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioners and other accused by representing themselves that they are police officials and trespassed into the de facto complainant's house and kidnapped her husband and demanded Rs. 20 lakhs to release him, but admits that the kidnapped has been rescued and that no amount involved and also no injury. He would further submit that A5 to A7 were still absconding but admits that co-accused released on bail.

5. Considering the fact that co-accused has been released on bail and also considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions.

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

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Sathyamangalam, Erode District, 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 petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders;

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

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



(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

11/01/2022

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,
SATHYAMANGALAM, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PULIAMPATTI POLICE STATION,
SATHYAMANGALAM TALUK,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE,
SUB JAIL, GOBICHETTIPALAYAM,
ERODE DISTRICT.

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+1CC to M/S. S.KAMADEVAN
charges SR.No.502

Advocate on payment of necessary

CRL OP.562/2022

Date :11/01/2022

CSK 12/01/2022