



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.725 of 2022

Mummorthy

... Petitioner

Vs

The State rep by
Sub Inspector of Police,
Mecheri Police Station,
Salem District- 636451
(Crime. No: 653 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.653 of 2021 pending on the file of the respondent police.

For petitioner : Mr.M.Mariappan

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 364(A), 323, 506(II) of IPC, in Crime No. 653 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had borrowed money from the 1st accused and that the 1st accused often demanded the defacto complainant to repay the principal and interest. While so, on 16.12.2021, the accused persons kidnapped the defacto complainant and demanded him a sum of Rs.1,70,000/- and attacked him and thereafter, they demanded money from the family members of the defacto complainant for which, the sister of the defacto complainant informed them that she was having only 3 sovereigns of gold chain and she has no money. Thereafter, the accused persons received 3 sovereigns of gold chain from the sister of the defacto complainant near Mecheri Vijayamahal Mandapam and dropped the defacto complainant near Mecheri State Bank and left the place. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he would pray for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the petitioner along with other accused has kidnapped the defacto complainant for ransom.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.653 of 2021 and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Mettur, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner is directed to report before the respondent police daily at 10.30 a.m., until further orders.

[c] The defacto complainant is permitted to withdraw a sum of Rs.50,000/- (Rupees Fifty Thousand Only) from the deposit amount of Rs.1,00,000/- on proper identification and acknowledgment.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



[f] 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].

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

-sd/-
19/01/2022

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, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT-636 451

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges
SR.NO.958

CRL OP.725/2022

Date :19/01/2022

JPA 24/01/2022