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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.4042 of 2022

Imrankhan

...Petitioner /A-1

versus

State rep. by its:-

...Respondent /Complainant

The Sub Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.17 of 2022)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.17 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mrs.G.V.Kasthuri

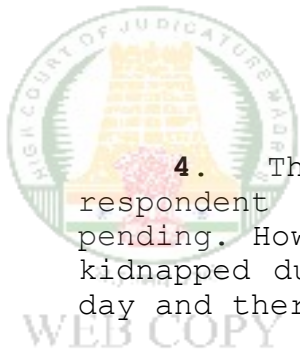
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.01.2022 for the offences punishable under **Sections 364 (A), 365 and 397 of IPC** in Crime No.17 of 2022, 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 brother for ransom. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the only bread winner of the family. It is his specific submission that the petitioner is in judicial custody from 10.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, as of now, the man, who was kidnapped during the relevant point of time, was secured on the same day and thereafter, the investigation has progressed.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Sections 364 (A), 365 and 397 of IPC. The averments found in the First Information Report would disclose the fact that during the relevant point of time, the victim was kidnapped by the petitioner and 5 others and as of now, the victim was secured, in otherwise, there was no robbery in the alleged occurrence.

6. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Omalur;

(b) 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

(e) 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];



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

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-sd/-
18/02/2022

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,
OMALUR, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.4042/2022

Date :18/02/2022

TA-21/02/2022