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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.13696 of 2022

Kavin

..Petitioner/A4

Vs.

State by,
The Inspector of Police,
Anaimalai Police Station,
Anaimalai,
Coimbatore District
crime No.319 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.319 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Veeraraghavan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2022 for the offence punishable under Sections 342, 364A, 294(b), 323 & 506(ii) of IPC in crime No.319 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 30.03.2022, at about 8.45 p.m., one, Rasukutty called Abdul Hakim, the defacto complainant herein that the said Rasukutty is having some video evidence regarding the theft of tender coconut. Believing his words, the defacto complainant went near Gandhi Ashramam. At that time, the petitioner and others are standing there. The defacto complainant asked the Rasukutty to show the video because the pattern was not opened. Thereafter, the defacto complainant was trying to move from that place. But the said Rasukutty and others including petitioner kidnapped the defacto complainant in the car bearing Reg.No.KL 07 AP 1482 and went away from that place. Thereafter, the petitioner and



others threatened and attacked the defacto complainant and demanded money for a sum of Rs.15 lakhs and taken away the defacto complainant in various places. The petitioner and others scolded the defacto complainant in filthy languages and snatched a sum of Rs.19,000/- from the defacto complainant and threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally five accused, in which the petitioner is arrayed as A4, and the defacto complainant is the owner of A1 and other accused persons are friends of A1. Due to previous enmity between the defacto complainant and A1, the defacto complainant was kidnapped by the accused persons and they demanded Rs.19,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Pollachi and on further conditions that:

[a] 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 shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

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

[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 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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15/06/2022

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-I,
POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMTION]

3 THE INSPECTOR OF POLICE
ANAIMALAI POLICE STATION,
ANAIMALAI, COIMBATORE DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, POLLACHI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.VEERARAGHAVAN Advocate on payment of necessary charges SR.No.9114

CRL OP.13696/2022

Date :15/06/2022

CSK 16/06/2022