



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14857 of 2022

MONEESH KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
P-6 KODUNGAIYUR POLICE STATION,
PULIYANTHOPE, CHENNAI-12.
(CR NO.280/2022)

[RESPONDENT]

For Petitioner : M/S.R.GANESAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 323, 364A, 365, 342, 386 and 506(i) IPC in Crime No.280 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant's husband viz., Jain Alauddin was an under trial prisoner for the offence under Section NDPS Act, for the illicit trafficking contraband of Metaphetamine. On the date of occurrence, i.e., on 15.03.2022, the de-facto complainant's sister viz., Mumthajim, went to purchase the vegetables in the market and thereafter, she visited her house at Kovil Street, Lakshmi Amman Nagar, Erukkancherry. Whiles, at about 12.30 p.m, some unknown identified five persons posing themselves as police officials had entered into her house and searched for Jain Alauddin, who is an drug peddler. When the de-facto complainant's sister asked them why they are searching for the de-facto complainant's husband, they replied that they are police officials and already, a case has been registered against the said Jain Alauddin in H-5 Police Station and thereafter, they asked for ransom amount of Rs.20,00,000/- for not arresting him and suddenly, they kidnapped the



de-facto complainant's son viz., Ajiz. On the same day, at 4.00 p.m, the accused persons again visited the house of the de-facto complainant's sister's house and taken away her sister's son Javid Ussain in a bike and thereafter, called them over phone demanding ransom amount. Thereafter, on 16.03.2022, at 5.30 p.m, the victims have been escaped from the wrongful confined place with the help of one of the accused and he released the victims from the place by encashing the amount of Rs.4,000/- from the victims. Based on the complaint of the de-facto complainant, a case has been registered against the accused persons.

3. The learned counsel for the petitioner submitted that the petitioner did not commit any such offence as alleged by the prosecution and he has been falsely implicated in this case. The alleged occurrence took place on 15.03.2022 at 12.30 p.m, but, the complaint was lodged belatedly on 17.03.2022. He further submitted that the entire story of the prosecution is a false one and hence, he pleads for grant of anticipatory bail to the petitioner.

4. The Additional Public Prosecutor submitted that there are totally ten accused in this case, in which the petitioner is arrayed as A4. He has played main role in kidnapping the victims and demanded huge sum of rupees to release the victims. Fortunately, the victims had escaped from the custody of the accused persons. He further submitted that the investigation is yet to be completed and there is no change of circumstances after dismissal of previous anticipatory bail petition. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact there is no change of circumstances after dismissal of previous anticipatory bail petition, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

28/06/2022

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 INSPECTOR OF POLICE,
P-6 KODUNGAIYUR POLICE STATION,
PULIYANTHOPE, CHENNAI-12.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.GANESAN Advocate on payment of necessary charges
SR.No.10269

CRL OP.14857/2022

Date :28/06/2022

CSK 05/07/2022