

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15552 of 2022

SATHISH KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CHEMANCHERY POLICE STATION,
KANCHIPURAM DISTRICT
CRIME NO.153 OF 2022.

[RESPONDENT]

For Petitioner : M/S.P.MUTHAMIZHSELVAKUMAR 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 147, 148, 365, 364A, 342, 392, 307, 506(ii) and 149 of IPC in Crime No.153 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons kidnapped and also assaulted the victim/defacto complainant with sticks and also abused him in filthy language. Further, they demanded two lakhs ransom from the victim's friends. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused persons kidnapped the victim and also assaulted him with sticks. Further, they demanded two lakhs ransom from the victim's friends. He would also submit that the petitioner has no previous case against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner and the victim/defacto complainant studying in the Sathyabama College and there was a quarrel between the students, the victim supported third year students, due to which, the petitioner along with other accused persons kidnapped the victim and demanded a sum of Rs.2,00,000/- from the victim's friends. Thereafter, when the victim and the other accused persons proceeded towards the hospital, the victim shouted and escaped from them.

6. Considering the facts and circumstances of the case and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No-II, Alandur, 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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not abscond 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.

-sd/-
06/07/2022

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, ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHEMANCHERY POLICE STATION,
KANCHIPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges SR.NO.10792

CRL OP.15552/2022

Date :06/07/2022

JPA 13/07/2022