

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

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

Cr1.OP.No.15922 of 2022

1.Mohammed Ali
2.Raju

..Petitioners/A5 & A6

Vs.

The State of Tamilnadu,
Rep.by the Inspector of Police,
E-5, Sholavaram Police Station,
Chennai
Cr.No.451 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.451 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.06.2022 for the offence punishable under Sections 363, 385, 506(i) of IPC in crime No.451 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that on 07.06.2022 at about 7.00 p.m., the defacto complainant's husband went to his job, but he did not return on the next day. On enquiry with the owner Dhanush, he informed that her husband was abducted by some unknown persons along with one, Babu for a ransom and demanded Rs.10,00,000/-. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the defacto complainant's husband is an employee of one, Dhanush and on 07.06.2022 he went for work at about 7.00 p.m., but he did not return. Later, it was found that the petitioners along with the other accused persons kidnapped him. Further, they also demanded Rs.10,00,000/- from the employer i.e. Dhanush. He would further submit that however thereafter, the victim was let out by the accused persons and they flew away.

5. It is seen that there are totally six accused, in which the petitioners are arrayed as A5 and A6. Even according to the case of the prosecution, the defacto complainant's husband was kidnapped by all the accused persons for ransom and demanded Rs.10,00,000/-. However, thereafter the victim was let out by the accused persons and they flew away. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e. 09.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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-II, Ponneri 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 petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/07/2022

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 INSPECTOR OF POLICE,
E-5 SHOLAVARAM POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.ILLIYAS Advocate on payment of necessary charges
SR.NO. 11014

CRL OP.15922/2022

Date :08/07/2022

RW-08/07/2022