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Crl.O.P.No.22029 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22029 of 2022

Amritha Juliana

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R1, Mambalam Police Station,
Chennai.

(Crime No.165/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.165 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.L.Narayanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For Victim : Mr.R.Vivekananthan



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Sections 147, 341, 364A, 453, 384, 397 of IPC r/w Section 25(1)(B) and 27 (1) of Arms Act, in Crime No.165 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused kidnapped the de-facto complainant's brother/victim for ransom and had also taken away the cars, jewels and other valuable items from the house of the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Medical Doctor by profession and due to some miscommunication, she has been falsely implicated in this case. He would further submit that even as per the prosecution, there seems to be a money dispute between the victim and the other accused and it is projected as a case of kidnap for ransom. He would also submit that the petitioner was served with notice under Section 41A of Cr.P.C., pursuant to which, the petitioner appeared before the respondent and she has also helped to reveal the details



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with regard to other accused. The learned counsel would further submit that the petitioner has been unnecessarily caught in between the victim and the other accused, who are known to her. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first accused had a money dispute with the victim, who owes money to the accused. He would further submit that the petitioner along with the other accused has conspired and pursuant to which, they have kidnapped the victim for recovery of the money and they have also taken away the cars, jewels and other valuables from the house of the victim. Hence, he opposed to grant bail to the petitioner.

5. Mr.R.Vivekananthan, learned counsel appearing for the victim would submit that the petitioner is the known friend for the victim as well as the other accused and due to some miscommunication, she has been wrongly implicated in this case. He would further submit that the petitioner has no grudges as against the victim and he has also stated that the victim has no objection in granting bail to the petitioner and pursuant to the same, he has



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also filed an affidavit before this Court and it has also been endorsed by the de-facto complainant.

6. Heard the learned counsel for both the petitioner and the victim and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and also taking note of the affidavit filed by the victim before this Court, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned XVII Metropolitan Magistrate, Saidapet, Chennai**, 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;



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[b] the petitioner shall report before the respondent Police, every day at 10.30 a.m. for a period of one week and thereafter, 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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.09.2022

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1. The XVII Metropolitan Magistrate, Saidapet,
Chennai.
2. The Inspector of Police,
R1, Mambalam Police Station,
Chennai.
3. The Central Women's Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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