



Crl.O.P.No.24286 of 2022

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The Criminal Original Petition is listed today under the caption “for being mentioned”.

2. The learned counsel appearing for the petitioner would submit that this Court, by an order dated 03.11.2022, has ordered this petition. However, in para 1 and 2 of the order copy, the Sections has been wrongly mentioned. Hence, he prayed for suitable directions.

3. Considering the above submission, the error is corrected and the para 1 and 2 of the order shall be read as follows:

“The petitioner, who was arrested and remanded to judicial custody, for the offences punishable under Sections 341, 364A, 392 & 506(ii) IPC, in Crime No.410 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that on 27.03.2017, the de-facto complainant's car was intercepted by four unknown persons and they got into the car along with him and thereafter, demanded Rs.1 crore from him, when it was refused by him, they have demanded Rs.5 lakhs and



later, by intimidating him, they have taken Rs.8,000/- and the car from him and left him off. Based on the complaint given by the de-facto complainant, a case has been registered in Crime No.410 of 2017 for the offence under Sections 341, 364A, 392 & 506(2) IPC. Hence, the case."

4. Registry is directed to issue a fresh order copy today.

04.11.2022

Anu

Note: Issue order copy on 04.11.2022.



WEB COPY



A.D.JAGADISH CHANDIRA, J.

Anu

Crl.O.P.No.24286 of 2022

04.11.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

WEB COPY

CORAM

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

Crl.O.P.No.24286 of 2022

Tamil @ Tamilarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-1 Sembium Police Station,
Chennai.

(Crime No.410/2017).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in connection with the Crime No.410 of 2017 pending investigation on the file of the respondent Police.

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



WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody, for the offences punishable under Sections 341, 364 A, 392 & 506(2) IPC, in Crime No.410 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that on 27.03.2017, the de-facto complainant's car was intercepted by four unknown persons and they got into the car along with him and thereafter, demanded Rs.1 crore from him, when it was refused by him, they have demanded Rs.5 lakhs and later, by intimidating him, they have taken Rs.8,000/- and the car from him and left him off. Based on the complaint given by the de-facto complainant, a case has been registered in Crime No.410 of 2017 for the offence under Sections 341, 364 A, 392 & 506(2) IPC. Hence, the case.

3. The learned counsel appearing for the petitioner would



WEB COPY

submit that the petitioner is an innocent person. He would further submit that the petitioner was arrested and remanded to judicial custody on 14.06.2021 in Crime No.140 of 2019 registered on the file of the Bellukurichi Police Station and while he was in prison, he was formally arrested in this case on 22.08.2022. He would also submit that the petitioner has nothing to do with the alleged offence and he has been implicated in this case only based on the alleged confession statement recorded from the co-accused. He would also submit that in the case registered in Crime No.140 of 2019 on the file of the Bellukurichi Police Station, the petitioner has been granted bail by the learned Principal Sessions Judge, Namakkal in CrI.M.P.No.1798 of 2022 dated 19.09.2022. The learned counsel further submit that though the petitioner is stated to have several previous cases, he has been acquitted in all those cases. He would further submit that the petitioner is ready to furnish adequate surety for his release on bail and he is ready to abide by an stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



WEB COPY

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit the petitioner is a habitual offender. He would further submit that the petitioner along with the other accused kidnapped the de-facto complainant and taken away a sum of Rs.8,000/- and a Car from him and left him off. He would further submit that though his name does not find place in the First Information Report, he has been arrested based on the confession statement recorded from the other accused. He would also submit that the identification parade has not been conducted and hence, he oppose for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that at the time of remanding the petitioner was confined in Central Prison, Salem and now he was transferred to Central Prison, Puzhal.

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

7. Taking into consideration the facts and circumstances of the



case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has been granted bail in Crime No.140 of 2019 registered in Belukurichi Police Station and also considering the period of incarceration undergone by the petitioner , this Court is inclined to grant bail to the petitioner with certain conditions.

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

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[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.

03.11.2022

ham

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-1 Sembium Police Station,
Chennai.
3. The Central Prison,
Salem.
4. The Central Prison,
Puzhal.



5. The Public Prosecutor,
High Court of Madras.

WEB COPY



A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.24286 of 2022

03.11.2022