



WEB COPY



CrI.O.P.No.27096 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

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

CrI.O.P.No.27096 of 2022

1. Firjeesh Prasanth

2. Siranjeevi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

(Crime No.401/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.401 of 2022, pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.Myilsamy

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



Crl.O.P.No.27096 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.09.2022 and 18.09.2022 respectively, for the offences punishable under Sections 294(b), 394 IPC @ 364(A), 34 IPC, in Crime No.401 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Athiban is that on 17.09.2022, the de-facto complainant and the accused (A3) after drinking in a nearby wine shop, have discussed to go to the sex workers. Subsequently, under the said pretext, the accused took the de-facto complainant to an isolated place and assaulted him with knife and also taken his obscene photographs and by threatening him that they will post them on Internet, demanded Rs.10 lakhs and they have also taken a sum of Rs.1300/- and his bike bearing registration No.TN-69-L-1600 from him. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to the money dispute, a false



Crl.O.P.No.27096 of 2022

complaint has been given against them. He further submitted that even as per the prosecution, the bike and the money which are stated to have been taken from the de-facto complainant has been recovered. He further stated that the petitioners are in custody from 19.09.2022 and 18.09.2022 respectively and they are ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the second petitioner had taken the de-facto complainant for drinking and along with the other accused, taken him to a isolated place under the guise of taking him to a brothel, where, the accused, by threatening him at knife point, undressed him and taken his nude photographs and demanded him Rs.10lakhs by saying that they will upload it in Internet and also demanded Rs.3 lakhs as ransom from his father. He further submitted that they have taken a sum of Rs.1300/- and his bike bearing registration No.TN-69-L-1600 from him. He also stated that the amount and the bike has been recovered from the accused. He further submitted that as far as these petitioners are concerned, there are 3 previous cases are pending in respect of the first petitioner and in respect of the



Crl.O.P.No.27096 of 2022

second petitioner two previous cases are pending, hence, he vehemently opposed to grant bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that the both the petitioners are acquitted in one case and an another is pending trial. Hence, he prays to grant bail to the petitioners

6. Heard the learned counsel for the petitioners 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 considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the



Crl.O.P.No.27096 of 2022

satisfaction of the **learned Judicial Magistrate No.2, Coimbatore,** 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 everyday at 10.30 a.m., and 05.30p.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]***;



WEB COPY



Crl.O.P.No.27096 of 2022

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

22.11.2022

ham

To

1. The Judicial Magistrate-2,
Coimbatore.
2. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27096 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.27096 of 2022

22.11.2022