



Crl.O.P.No. 379 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 23.11.2022 for the alleged offence under Sections 364A of I.P.C. in Crime No.882 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.11.2022, at about 06.30 p.m., the petitioner along with other accused said to have come to defacto complainant's shop and claiming themselves as Central CID police, forcefully took away him in a vehicle and kidnapped him and demanded a sum of Rs.5,00,000/-, for which, the defacto complainant refused the same, however, they have forcefully took away a sum of Rs.10,000/- from his pocket and also taken away Rs.80,000/- cash from various ATMs using defacto complainant's ATM card. Thereafter, they pushed down him from the car. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that A1 to A4 and the petitioner were staying in one room, so, the petitioner is implicated as one of the accused and he has been ranked as A5. He would submit that he is working in hotel as house keeper and his native is Tripura and he also does not aware about the offence, which leaded by A1. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the said concern. He would submit that there is no role of the petitioner in the alleged offence and he has been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 45 days from 24.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are five accused involved in this case and the petitioner is arrayed as A5. He would submit that except A1, who is still absconding, all other accused were arrested. He would submit that at knife point, they have kidnapped the defacto complainant and threatened him to transfer the amount of Rs.5 lakhs and on his refusal, they



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have forcefully taken a sum of Rs.10,000/- and from various ATMs, they withdrew a sum of Rs.80,000/- using defacto complainant's ATM card and so far no amount was recovered from them. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner by kidnapping defacto complainant and threatening to transfer the amount and also withdrawing the amount from various ATMs by using his ATM card, but so far no amount was recovered from them and also the fact that investigation is still pending and if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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