



Crl.O.P.No.23412 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23412 of 2024

Ajay Kumar

... Petitioner/Accused No.6

Vs

State of Tamil Nadu
Rep by Inspector of Police,
Vellore Taluk Police Station,
Tamil Nadu
(Crime No.353 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.353 of 2024 on the file of the respondent.

For Petitioner : Mr.A.Athimoolam

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



WEB COPY



CrI.O.P.No.23412 of 2024

ORDER

The petitioner/A6, who was arrested and remanded to judicial custody on 01.08.2024 for the offences punishable under Sections 140(3) @ 111, 97, 98, 99, 316(2) and 329(4) of BNS, 2023, in Crime No.353 of 2024, on the file of the respondent, seeks bail.

2.It is the case of the prosecution that on 31.07.2024, a two-day-old male baby was taken away by A1 in a bag from the possession of the mother of the child in Adukkambarai Government Hospital, Vellore. A1 and her son, aged 10 years, came to the hospital and had a conversation with the child's mother and the grandmother, stating that they would look after the child and informing the mother to go for breakfast, wherein the de facto complainant brought the tiffin to the mother and grandmother of the child. When they went for breakfast, A1 kidnapped the child. Hence, the case. The respondent searched the accused through a CCTV camera and reached A1's house, wherein A1 was arrested, and based on her confession, this petitioner and other accused were secured.

3. The learned counsel for the petitioner/A6 would submit that the



Crl.O.P.No.23412 of 2024

petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence. He would further submit that there is no previous case against the petitioner. He would also submit that the co accused/A3 was granted bail by this Court vide its order dated 06.09.2024 in Crl.O.P.No.21865 of 2024; that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for the grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner, along with A1 and other accused, have kidnapped the new born male child from the de facto complainant in Adukkambarai Government Hospital. He would also submit that there is no previous case against the petitioner; that the investigation was completed, and that the co-accused in this case was arrested and released on bail. However, he vehemently opposed to granting bail to the petitioner.

5. Heard both side learned counsel and perused the materials



Crl.O.P.No.23412 of 2024

available on record.

WEB COPY

6. Considering the submissions made by both sides, that already the investigation was completed, that there are no previous cases pending against the petitioner, that the co-accused was also released on bail, and also taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned *Principal Sessions Judge, Vellore* and on further conditions that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected,



CrI.O.P.No.23412 of 2024

or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.09.2024

dk

To

1.The Principal Sessions Judge, Vellore.

2.The Superintendent of Prison,
Central Prison Vellore.



Crl.O.P.No.23412 of 2024

3.The Inspector of Police,
Vellore Taluk Police Station,
Tamil Nadu.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

dk



WEB COPY



Crl.O.P.No.23412 of 2024

Crl.O.P.No.23412 of 2024

24.09.2024