



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Nineteenth day of December Two Thousand Thirteen
PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.22005 of 2013

WEB COPY

1 SUNIL @ B.SURESH
2 B.ALAGAR

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
RS MANGALAM POLICE STATION,
RAMNAD DISTRICT.
CRIME NO.123/2013

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN Advocate

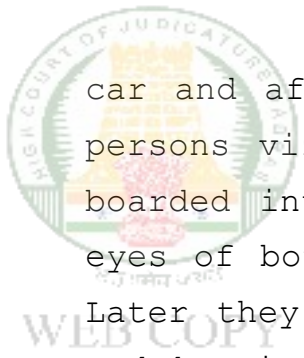
For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

There are totally five accused in this case and these petitioners, who are arrayed as A-2 and A-4 apprehending arrest at the hands of the respondent police for the alleged commission of offences punishable under sections 147, 148, 342, 366 and 394 of I.P.C in Crime No.123 of 2013 on the file of the respondent police, which is said to have been takenplace on 18.11.2013, seek anticipatory bail.

2.The case of the prosecution is that one Ramnivas, who is a permanent resident of Bangalore alongwith his second wife reached Madurai for pilgrimage and one Muthu of Madurai has introduced himself as a friend and arranged for their stay in a hotel at Madurai and he also told the above said persons that one of his friend will come at 03.00 p.m. on 18.11.2013 and pick up them for visiting the temple. On the same day at about 03.20 p.m., Ramnivas has received a call from Muthu informing that one Sunil @ Suresh (first accused/petitioner/second accused) was waiting in a car near the hotel. Therefore Ramnivas and his wife came down and boarded in the

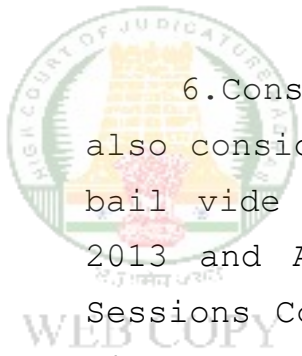


car and after travelling some time, the car was stopped and three persons viz., Muthu, his brother Alagar (A-4) and two others have boarded into the car and all of them forcibly tied the hands and eyes of both persons and also started beating them inside the car. Later they took cash, three cell phones and two laptops from them and keeping Ramnivas in that place, they also took his second wife namely Vidhya Iyer to Bangalore and released her and at Bangalore she received a phone call from the Station House Officer of the respondent police and thereafter she came back and lodged a complaint, based on which a case in Crime No.123 of 2013 was registered.

3.The learned counsel for the petitioners would submit that A-3 was arrested and remanded to judicial custody on 21.11.2013 and based on his confession other accused were fixed and A-1 was enlarged on bail by this Court, vide order dated 29.11.2013 passed in Cr1.O.P(MD)No.21504 of 2013. It is the further submission of the learned counsel for the petitioners that thought initially a small sum and cellphones were said to have been stolen, later on the de facto complainant has improved her version as if huge sum of money and cellphones and laptops were stolen and further the petitioners are nothing to do with the alleged commission of offences.

4. The learned Government Advocate(Crl. Side) has drawn the attention of the Court to the counter affidavit filed by the respondent and would submit that the accused joined together and kidnapped the de facto complainant and her husband and also beaten the husband of the de facto complainant and further took her to Bangalore and released and that the investigation is pending. The learned Government Advocate (Criminal side) has also produced the statement of the de facto complainant recorded under section 164 of Cr.P.C.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(crl. Side) appearing for the State and perused the materials available on record.



6.Considering the above facts and circumstances of the case and also considering that the fact that A-1 was enlarged on anticipatory bail vide order dated 29.11.2013 passed in Crl.O.P(MD)No.21504 of 2013 and A-3 was arrested and enlarged on bail by the Principal Sessions Court, Sivagangai and also considering the contents of the First Information Report as well as the statement of the de facto complainant under Section 164 of Cr.P.C., this Court is inclined to enlarge them on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruvadanai, and on each of them 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily twice at 10.00 a.m. and 05.00 p.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-
19/12/2013

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVADANAI.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM
 - 3 THE INSPECTOR OF POLICE, RS MANGALAM POLICE STATION, RAMNAD DT.
 - 4 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.MAHENDRAN Advocate SR.No.63701

ORDER
IN
CRL OP(MD) No.22005 of 2013
Date :19/12/2013