



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3177 of 2015

1 R.VIJAYAN

2 B.SRINIVASAN

3 S.ATHMARAMAN

..PETITIONERS/ACCUSED 1 to 3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

CONTONMENT POLICE STATION, TIRUCHIRAPPALLI,

TIRUCHIRAPPALLI DISTRICT.

(CR.NO.141/2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 342, 363 and 506(i) IPC in Crime No.141 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. This case has been registered pursuant to the direction issued by this Court in Crl.O.P.(MD) No.22415 of 2014 dated 23.12.2014. It is the case of the defacto complainant that he was abducted by these petitioners and was threatened and later, he was let off.

4. It is seen that when the defacto complainant was working in the company run by these petitioners, he had defalcated around Rs.17 lakhs and therefore, a case in Crime No.328 of 2014 was registered against the defacto complainant. This Court dismissed the anticipatory bail petition filed by the defacto complainant in Crl.O.P.(MD) No.21780 of 2014 dated 19.01.2014, pursuant to which, the defacto complainant was arrested and remanded to judicial custody. While so, the defacto complainant has alleged that these petitioners had abducted him illegally.

5. The present complaint prima facie appears to be a counter blast to the case in Crime No.328 of 2014. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruchirappalli, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with ~~for a like sum to the satisfaction of the respondent~~ police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



[a] the petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
23/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, TIRCHY.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, TIRCHY.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSPECTOR OF POLICE, CONTONMENT POLICE STATION, TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.8132

ORDER IN
CRL OP(MD) No.3177 of 2015
Date :23/02/2015

PBK 25/02/2015 ::2P-6C: