



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

Monday, the Twenty Third day of March Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE P.N.PRAKASH

CRL OP (MD) No.5308 of 2015

BAHADURSHA

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE

C3.S.S. COLONY POLICE STATION,

MADURAI DISTRICT. CR. NO.327/2015. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.VIJAYARAJA Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

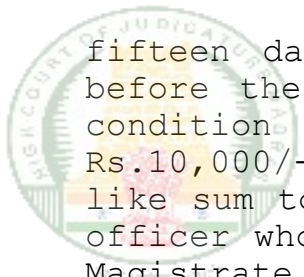
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 364(a) I.P.C. in Crime No.327 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side).

3. It is the case of the prosecution that the defacto complainant and his son are involved in the business of selling second hand cars and that on 17.03.2015, four persons came and said that they wanted to buy a Volkswagan car and wanted to drive the car before buying and therefore, the defacto complainant's son accompanied them and after some time, the defacto complainant's son gave a phone call to the defacto complainant over mobile and told him that he has been abducted by this petitioner's men in order to recover some amount that is due from the defacto complainant to the petitioner and later the defacto complainant's son was found in Aranthangi and he returned with Volkswagan car.

4. During the course of investigation, the defacto complainant's son was giving conflicting versions and was not cogently stating the facts. There appears to be some doubt in the version of the defacto complainant's son. Under these circumstances, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of



fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

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

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

[d] 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 Judicial 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/-
23/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE INSPECTOR OF POLICE
C3.S.S. COLONY POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to MR.J.VIJAYARAJA, ADVOCATE IN SR : 13882

SR : 26.03.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.5308 of 2015
Date :23/03/2015