



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

Wednesday, the Thirtieth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11287 of 2017

S.PRABAKARAN

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,

THE INSPECTOR OF POLICE

SAPTUR POLICE STATION, MADURAI DISTRICT.

CRIME NO. 180 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.BALAJI Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

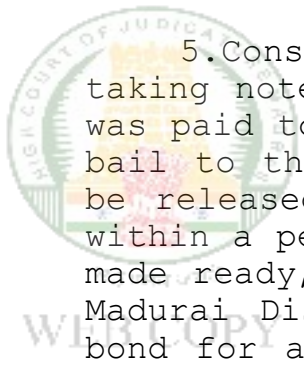
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 365 & 506 (i) of IPC @ 147, 148, 307, 342, 364(A) & 365 of IPC in Crime No.180 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that de facto complainant's husband was kidnapped by the accused and demanded a sum of Rs.25,00,000/-. The said amount was not paid and thereafter the victim was left out and he came to Police Station and gave a statement.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case due to previous enmity. He further submitted that the petitioner is the friend of A1 and he neither involved in the said occurrence nor have the conspiracy. He also submitted that no amount was paid in the said occurrence and the petitioner has no bad antecedents.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that FIR was registered against unnamed accused and during investigation 8 persons were arrayed as accused and the petitioner is arrayed as A3. He further submitted that A4, A5, A6, A7 & A8 were arrested and they are in custody and A2 was granted anticipatory bail by this Court as per order in Crl.O.P.(MD)No.10478 of 2017 dated 10.08.2017. He also submitted that no one sustained injury in the occurrence and the investigation is still pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that no one sustained injury and no amount was paid to release the victim, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Peraiyur, 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:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[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 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).

sd/-
30/08/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, PERAIYUR, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.BALAJI Advocate SR.No.29575

ORDER
IN
CRL OP(MD) No.11287 of 2017
Date :30/08/2017