

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16138 of 2018

1 R.KANNAN
2 K.DINESH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT,
CR.NO.111 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.P.MURUGAN RAJA Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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 offence punishable under Sections 147 and 366 of IPC, in Crime No.111 of 2018, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused kidnapped the defacto complainant, compelling her to marry the first accused and thereafter, the victim has been left off.

3. The learned counsel for the petitioner submitted that the marriage between the first accused and the defacto complainant was fixed and that later, it was cancelled and thereby, a false complaint has been given against them. He would submit that the petitioners are relatives of the first accused and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the State would submit that the first accused was arrested and later released on bail and that the victim girl has been secured.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Sathyamangalam, on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) 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]**;

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT.

+1CC to M/S.R.P.MURUGAN RAJA Advocate on payment of necessary
charges SR NO.11479

CRL OP.16138/2018

Date :25/06/2018

MK:29/06/2018