



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.649 of 2018

ALAGU PANDI

... PETITIONER/ACCUSED No.1

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
TIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
IN CR.NO.837 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.BALAMURUGAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/A-1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 447, 324, 366(A) and 506(ii) I.P.C., in Crime No.837 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is working as a Assistant Security Officer at SIDCO, Kappalur Madurai stating that on 28.11.2017, during 2nd shift, when he was on duty at Gate No.2, four persons came in Tavera Car and the petitioner herein told that he want to take his cousin, namely Buvareshwari. But the defacto complainant asked him to get permission from the Manager, whereas, they picked up quarrel and assaulted the defacto complaint with billhook and thereafter they fled away from the scene of occurrence with Buvareshwari.

3.The learned counsel appearing for the petitioner submitted that the victim girl has given a statement that he never abducted or kidnapped by the petitioner and she was not subjected for any harassment or coercion. Now the victim girl Buvareshwari is with the parents. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the victim girl and the petitioner are relatives. During the time of occurrence, the person who sustained injury has been discharged from the hospital. According to him, investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. Admittedly, the victim girl and the petitioner are relatives. It is alleged that during the time of occurrence, the petitioner herein voluntarily entered into the Textiles Mill and took the victim girl. According to prosecution, as of now, the victim girl was secured and handed over to her mother. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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, Thirumangalam, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
01/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
TIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.S.BALAMURUGAN Advocate SR.No.1752

ORDER

IN

CRL OP(MD) No.649 of 2018

Date :01/02/2018

msa

SH/CM-VR/SAR-3:07.02.2018:3P/6C