



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

Monday, the Third day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21282 of 2018

1. M.SUBASH
2. SATHEESH@SATHEESH KUMAR ... PETITIONERS / ACCUSED NO.A3-A4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI
CRIME NO.1528 OF 2018]

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.VADIVEL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

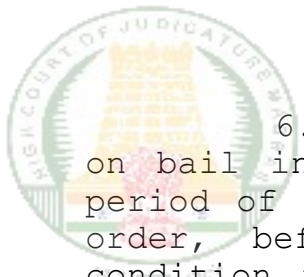
The petitioners who apprehending arrest at the hands of the respondent police for the offence punishable under Section 365 of I.P.C., in Crime No.1528 of 2018, seek anticipatory bail.

2. The case of the prosecution that the petitioners along with other accused persons said to have been kidnapped the defacto complainant.

3. The learned counsel for the petitioners would submit that the petitioners are relatives of the victim and there was some dispute between the celebration of Deepavalli between them.

4. The learned Government Advocate (Criminal Side) would submit that the victim was secured on the same day.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioners.



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-VI, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks.

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

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

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
3. THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION, MADURAI
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



+1. CC to MR.A.VADIVEL Advocate SR.No.22557

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KSA

MK/JC/SAR 2/11.12.2018/3P/6C

ORDER

IN

CRL OP (MD) No.21282 of 2018

Date :03/12/2018