



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

Friday, the Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3622 of 2019

N.ASHOK

... PETITIONER / 2nd ACCUSED

Vs

THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY CITY.
(CRIME NO.81/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.S.JEYAGANESHAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI 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 under Sections 342, 364 (A), 392 and 506(ii) IPC in Cr.No.81 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the accused persons kidnapped the defacto complainant for demanding money, thereby, based on the confession of the other accused persons, this petitioner was implicated in the said crime.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Though the petitioner's name is found in the First Information Report, he is not present at the scene of occurrence and other accused persons have kidnapped the defacto complainant, in which this petitioner is not responsible. He further submits that the defacto complainant is the history sheeter and he cheated several persons and several cases are pending in different districts. Hence, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) for the respondent police would submit that one case is pending against the defacto complainant in Crime No.02 of 2013. The petitioner has not



kidnapped the defacto complainant, however, with aid of this petitioner, the other accused persons have kidnapped the defacto complainant.

5. Considering the fact that the petitioner not accompanied with the accused persons and only based on the confession of the other accused persons, the petitioner was implicated in this crime, this Court is inclined to grant anticipatory bail to the petitioner. However, the benefit of this order will not applicable to the other accused persons, who are kidnapped the defacto complainant. 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.II, Trichy, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-II,
TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION, TRICHY CITY.

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

PS/VR/SAR-4/12.03.2019/3P/5C

ORDER

IN

CRL OP (MD) No.3622 of 2019

Date :08/03/2019