



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7397 of 2019

1. V. Kaviyarasan,,

2. V. Ambiresan @ Amirtharaj,

3. S. Selvaganesh,

4. M. Mathan @ Mathankumar, ... Petitioners/Accused A1,A2,A3 & A6

Vs

State Represented by
The Inspector of Police,,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.241/2019).

... Respondent/Complainant

Christoper Jeyasingh Anugraharaj ... Petitioner/Respondent/
Defacto Complaint's Brother
in CRL MP(MD).NO.5482 OF 2019
IN CRL OP(MD).NO.7397 of 2019

Jeyakumar ... Petitioner/Respondent/
Defacto Complaint's Brother
in CRL MP(MD).NO.5864 OF 2019
IN CRL OP(MD).NO.7397 of 2019

For Petitioner : Mr.M.Prabu,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervener : MR.S.VANCHINATHAN, Advocate
in CRL MP(MD).NOS.5482 & 5864 of 2019 in
CRL OP(MD).NO.7397 of 2019

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

PRAYER :-

<https://hcservices.ecourts.gov.in/hcservices/>

For Anticipatory Bail in crime No.241/2019 on the file of the
respondent police.



ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 363, 397, 387 and 506(ii) of IPC in Crime No.241 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to money dispute, a false case has been foisted against the petitioners. He further submitted that the defacto complainant is having a number of previous cases. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned counsel for the intervener/defacto complainant has submitted that the petitioners and other accused persons have way laid the defacto complainant and abducted him in a car and demanded a sum of Rs.5,00,000/- and also snatched a 3 sovereign gold chain and a ring and obtained his signature in green sheets and they came to the defacto complainant's house and they have taken the cheque book, Bank pass book and some other documents and also attacked the defacto complainant. Hence, he strongly opposed this petition.

5.The learned Government Advocate (Crl. Side) appearing for the state has submitted that there are three cases pending against the first petitioner. He further submitted that the custodial interrogation of the first petitioner is absolutely necessary. He further submitted that already the second petitioner was arrested. Hence, he strongly opposed this petition.

6.The particulars which were furnished by the learned counsel for the petitioners shows that only one case was registered on 02.05.2019 against the de-facto complainant in Crime No.213 of 2019 under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamilnadu Women Harassment Act. Insofar as other cases are concerned the defacto complainant is the complainant. Therefore, the contention of the learned counsel for the petitioners that the defacto complainant is having a number of criminal cases cannot be accepted.

7.Taking into consideration the submission made by the learned Government Advocate (Crl. Side) that three previous cases are pending against A1, and also the submission made by the learned Government Advocate (Crl. Side) that custodial interrogation of the first petitioner is absolutely necessary, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed in respect of the first petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

8.Recording the submission made by the learned Government



Advocate (Crl. Side), A2 was already arrested. Hence, this petitioner is dismissed as infructuous in respect of the second petitioner.

9. Insofar as other petitioners are concerned no previous cases are pending. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners 3 and 4 by imposing conditions.

10. Accordingly, the petitioners 3 and 4 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 No.II, Kovilpatti, on condition that the petitioners 3 and 4 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 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 3 and 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 3 and 4 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 3 and 4 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 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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/-
02/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to MR.S.VANCHINATHAN, Advocate (SR-10882[I] dated
02/07/2019)

+1 CC to MR.M.PRABU, Advocate (SR-10853[I] dated 02/07/2019)

ORDER

IN

CRL OP(MD) No.7397 of 2019

Date : 02/07/2019

AE/JC/SAR-II (10.07.2019) 4P 7C