



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.921 of 2019

ANITHA SWEETY

... PETITIONER / ACCUSED NO.2

Vs

STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.9/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.RAMASAMY Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

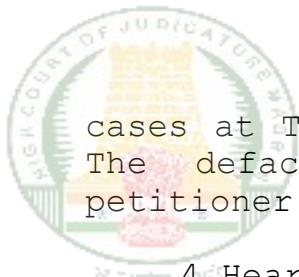
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 364A, 384, 392, 506(i) and 120-B I.P.C, in Crime No.9 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the the defacto complainant was kidnapped on 11.11.2018 by the accused persons for the purpose of extracting money. The defacto complainant gave a complaint before the respondent police on 05.01.2019 stating that on 11.11.2018 while the defacto complainant was proceeding in his car taking a sum of Rs.10,00,000/- cash for buying gold jewels for his daughter's marriage. At that time, his car was intercepted by the accused persons, the petitioner and the other accused persons kidnapped the defacto complainant. On 12.11.2018, namely anitha, who is known person to the defacto complainant came to the place, where the defacto complainant confined and demanded money from him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant is a cheating person and he introduced him self as a Chairman of All India Rail Safety Council. He is having cases at Virudhunagar District Crime Branch in Crime No.5 of 2015, in Palakkadu Police Station in Crime No.2015 of 2016 and three other



cases at Theni in the year 2015 further in Chennai and Villupuram. The defacto complainant gave a false complaint against the petitioner.

4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Thanjavur, 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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]**.

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

sd/-
23/01/2019

/ TRUE COPY /



1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.S.RAMASAMY Advocate SR.No.1175

PS/PN/SAR-4/28.01.2019/3P/6C

ORDER
IN
CRL OP(MD) No.921 of 2019
Date :23/01/2019