

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon'ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6510 of 2020

1 KANNAN
2 NAGARAJ
3 MUTHAN @ VELLAICHAMY
4 KUMARAVEL

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
THIRUPPUR DISTRICT
(CRIME NO.641 OF 2019).

[RESPONDENT]

For Petitioner : M/S.M.SURESH Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 363, 506(ii) IPC, in Crime No.641 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the victim is a dealer of the second hand cars. The victim had purchased a car from A1 for Rs.1,05,000/- and he had paid only Rs.25,000/- to him and the balance he had not paid. In connection therewith, the petitioners along with others are stated to have abducted the defacto complainant's husband and demanded money and later, he was let out. Hence, the complaint.

3.Learned counsel appearing for the petitioners submitted that the petitioners have already granted anticipatory bail by this Court in CrI.O.P.No.2949 of 2020 dated 18.02.2020 but due to their inability to arrange for sureties, they could not enjoy the benefit of anticipatory bail granted by this Court. He further submitted that the petitioners are now ready with the sureties. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Learned Additional Public Prosecutor appearing for the respondent submitted that the anticipatory bail has already been granted to these petitioners in Crl.O.P.No.2949 of 2020 on 18.02.2020. This is the second anticipatory bail petition.

5.Taking into the fact that the petitioners were already granted anticipatory bail by this Court, this Court deems it fit to grant anticipatory bail to the petitioners on certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate, Kangeyam, on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks, thereafter, as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KANGEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
THIRUPPUR DISTRICT.

+1CC to M/S.M.SURESH Advocate on payment of necessary charges
SR NO.5398

CRL OP.6510/2020

Date :19/03/2020

MK:17/04/2020

WEB COPY