

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6665 of 2020

1 A.RAGUPATHY
2 R.DHANALAKSHMI
3 A.THIRUMURUGAN
4 A.R.PRAKASH

[PETITIONERS / ACCUSED]

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT.
CRIME NO.122 OF 2020.

[RESPONDENT]

For Petitioner : M/S.R.GANESH KUMAR 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 offence punishable under Section 365 of IPC, in Crime No.122 of 2020, seek anticipatory bail.

2.The case of the prosecution is that petitioners 1 and 2 are the parents and petitioners 3 and 4 are the paternal uncle of the defacto complainant's wife. While so, on 09.03.2020, the third petitioner called the defacto complainant's wife and informed that her father is admitted in the hospital in a critical condition. When the defacto complainant and his wife rushed to the hospital, the petitioners have pushed down the defacto complainant and forcibly abducted the wife of the defacto complainant in a car. Hence, the complaint.

3.Learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners and that the defacto complainant had given a false complaint against the petitioners and that there is no element of abduction. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. Learned Additional Public Prosecutor would submit that since the daughter of petitioners 1 and 2 was found with the defacto complainant, the parents have advised her daughter to part with the defacto complainant and to come and stay with them. Opposing the above, the defacto complainant has given a complaint. On receipt of the same, a case has been registered against the petitioners. Now the defacto complainant's wife, who is staying with her parents/petitioners 1 and 2, has given a statement before the Judicial Magistrate, Perundurai that she would like to live with her parents.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with 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, Perundurai, Erode District, 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 conditions 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 one week and 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/03/2020

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,
PERUNDURAI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT.

+1CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges SR NO.5502

CRL OP.6665/2020

Date :20/03/2020

MK:17/04/2020

WEB COPY