

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7083 of 2020

1.Chinnamani

2.Azhagu Durai

(*)3. Velmurugan @ Manickam

4.Manikandan

5.Harikrishnan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Aaladi Police Station,
Cuddalore District.
(Crime No.27 of 2020)

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest by the Respondent Police in connection with the Crime No.27 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 366 and 506(i) of IPC in Crime No.27 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the first accused fell in love with the victim girl aged about 17 years, and they eloped from the house of the victim on 05.03.2020. Initially a complaint was lodged for girl missing and subsequently revealed that the victim girl eloped with the first accused. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that there are totally six accused in which petitioners are arrayed as A2 to A6. According to the case of the prosecution, all the

nothing to do with the crime as alleged by the prosecution. Even according to the prosecution the petitioners have helped the first accused. He further submitted that first accused was arrested and remanded to judicial custody.

4. The learned Additional Public Prosecutor submitted that the first accused eloped with the victim girl aged about 17 years and now she attained majority and her statement also record under Section 164 of Cr.P.C. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the fact and circumstances of the case that the petitioners are the family members of the first accused and they are nothing to do with the crime as alleged by the prosecution and now the victim girl is in the custody of the parents of the first accused and also considering the fact that the first accused got married with the victim girl and custodian interrogation of the petitioners do not require in this case, this court is inclined to grant anticipatory bail to the petitioners.

6. 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 No.II, Virudhachalam, on condition that the each of 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 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 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
01/07/2020

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.

[*] Amended as per order of this Court dated 29/10/2020 made in CRL.MP.NO.6577 OF 2020 in CRL.O.P.NO.7083 OF 2020. by The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

TO

1 THE JUDICIAL MAGISTRATE NO.2,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AALADI POLICE STATION,
CUDDALORE DISTRICT

CC to M/S. K.GANDHI KUMAR Advocate on payment of necessary charges

WEB COPY CRL OP.7083/2020
Date :01/07/2020

GKS (MK) :31/07/2020

TA-08/12/2020