

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8428 of 2020

1. M. MURUGAN
S/o. Munusamy,
501, Pillaiyar koil street,
Kottaiyur,
Thenkarimbur village,
Thiruvannamalai Taluk,
Thiruvannamalai District.

2. SURESH @ DHANANSEZHIAN
S/o. Sandhiayappan,
241, Pillaiyar koil street,
Mamatchiyandal village, Se Gudalore
Serapattu, Thandarampattu,
Thiruvannamalai Taluk,
Thiruvannamalai District.

3. GOKUL@ GOKUL NATHAN
S/o. Saravanan,
1944, Kottaiyur road,
Kungilinaththam Vanapuram,
Chengam village,
Thiruvannamalai Taluk,
Thiruvannamalai District.

... Petitioner/A3

Vs.

State Rep. by
The Inspector of Police,
Thalaivasal Police station,
Salem District.
Crime No. 79 of 20

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.79 of 2020 on the file of the respondent police.

For Petitioners : Mr.Swamisubramanian

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 365 of IPC
altered to Section 120(b), 365 and 506(ii) of I.P.C. in Crime No.79 of
2020, seek anticipatory bail.

2. The case of the prosecution is that there was a money
dispute between the petitioners and the defacto complainant and it is
alleged that the petitioners and other accused persons kidnapped the
defacto complainant and demanded the money invested by them. Hence,
the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners never abducted the defacto complainant. In fact, other victims lodged a complaint against the defacto complainant and two others in Crime No.80 of 2020, in which defacto complainant was arrested and remanded to judicial custody. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 6 accused persons in which petitioners are A1 to A3. The petitioners invested money to the defacto complainant and thereafter they abducted him and demanded money which they were deposited to him.

5. Considering the facts and circumstances and that the petitioners are also the victims in Crime No.80 of 2020, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Attur, Salem 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 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, a fresh FIR can be registered under Section 229A IPC.

24.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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सत्यमेव जयते

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G.K.ILANTHIRAIYAN, J

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To

1. The Judicial Magistrate No.II,
Attur, Salem District
2. The Inspector of Police,
Thalaivasal Police station,
Salem District.
Crime No. 79 of 20
3. The Public Prosecutor,
Madras High Court,
Chennai.



Crl.O.P.No. 8428 of 2020

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