

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11782 of 2020

1.Murali
2.Dharmarajan

... Petitioners

Vs.

State Rep. By its
The Inspector of Police,
Manalmedu Police Station,
Nagapattinam District.
(Crime No.902 of 2020)

.... 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.902 of 2020 on the file of the respondent police.

For Petitioners : Mr.Kathiravan

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
452, 294(b), 352, 364, 506(ii) of I.P.C. r/w 4(1) of the Tamil Nadu
Prohibition of Harassment of Women Act, in Crime No.902 of 2020, seek
anticipatory bail.

2. The case of the prosecution is that the petitioners along with
other accused persons trespassed into the house of the defacto
complainant with deadly weapons, intimidated and kidnapped her son
Ramkumar on 26.06.2020 and the complaint was given to the respondent
on the next day. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has not committed any offence
as alleged by the prosecution. He would also submit that one
Ramesh/A5 has given a complaint against one Manikkam and the son of
the defacto complainant Ramkumar based on which the case in
Crime.No.749 of 2020 was registered and later the accused were
arrested in order to pre-empt in accordance with arresting
them the defacto complainant on the ill advice of one Surrender who is
an advocate and also a murder case accused has given a false
complaint. Therefore, he prays to grant anticipatory bail to the
petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons trespassed into the house of the defacto complainant with deadly weapons, intimidated and kidnapped her son Ramkumar on 26.06.2020. He would also submit that the Ramkumar is an accused in Crime No.749 of 2020 and later he was arrested and released.

5. Considering the above fact and circumstances of the case, 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.I, Mayiladuthurai, 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders.

[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 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.

-sd/-

05/08/2020

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,
NO.I, MAYILADUTHURAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. U.KATHIRAVAN Advocate on payment of necessary charges

CRL OP.11782/2020

Date :05/08/2020

RVR 16/09/2020

सत्यमेव जयते

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