

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11800 of 2020

Ramesh

... Petitioner

Vs.

The State Represented by,  
The Inspector of Police,  
Jolarpettai Police Station,  
Thirupathur District.  
Crime No.411 of 2020.

... Respondent

**Prayer:** Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.411 of 2020 pending on the file of the respondent Police.

For Petitioner : Mr.S.Ramachandran

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

**ORDER**

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 366A of IPC in Crime No.411 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Latha Murugesan is that the petitioner(A3) along with two other accused had abducted her minor daughter Pavithra aged about 16 years forcibly for getting her married with Nallamuthu(A1). Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Since, he happens to be the brother of the Nallamuthu/A1, he has been falsely implicated in this case. He would further submit that due to love affair between the victim/Pavithra and the brother of the petitioner viz., Nallamuthu/A1, they had eloped somewhere. Thereafter, they were brought back. Since they belong to two different community, the defacto complainant forced the victim girl to marry some other person against her wish and bride groom was also found and therefore, she once again eloped with the

said Nallamuthu/A1 on 25.05.2020. Thereafter, in order to bring them back, a false case was foisted against the petitioner. He would further submit that the Ramamoorthy/A2 was arrested and released on bail by this Court in CrI.O.P.No.10930 of 2020 dated 22.07.2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the brother of A1/Nallamuthu. The petitioner along with two other accused, had abducted the minor daughter of the defacto complainant who is aged about 16 years and the girl is yet to be secured. Hence, he vehemently opposed to grant Anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions of the learned Counsel and the co-accused has already granted bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, **within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate No.I, Tirupattur**, on condition that the petitioner shall execute a 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 petitioner 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 every day at 10.30 a.m. and 5:30 p.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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]**.

registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-  
07/08/2020

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,  
THIRUPATHUR.

2 THE INSPECTOR OF POLICE,  
JOLARPETTAI POLICE STATION,  
THIRUPATTUR DISTRICT

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. S.RAMACHANDRAN Advocate on payment of necessary charges SR.No 5892

CRL OP.11800/2020

Date :07/08/2020

सत्यमेव जयते

MN-20/08/2020

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