

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13308 of 2020

R. Pushparaj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Magaral Police Station,
Kancheepuram.
(Crime No.451 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.451 of 2020 on the file of the respondent police.

For Petitioner : Mr. C. Srinivasan

For Respondent : Mr.M. Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 365 of I.P.C was altered to 147, 269, 270, 271, 294(b), 324, 341, 342, 365 & 506(ii) of I.P.C. in Crime No.451 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Thamizharasi is that her husband Raja was kidnapped on 23.07.2020. The brother-in-law of the defacto complainant eloped with the daughter of A5. Therefore, the A5 along with other accused persons abducted the defacto complainant's husband. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Based on the confession of the other arrested accused person, the petitioner has been implicated in this case. He would further submit that the other arrested accused has been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the brother-in-law of the defacto complainant eloped with the daughter of A5. Therefore, A5 along with other accused persons abducted the defacto complainant's husband. While they were consuming liquor, the victim has escaped. He would further submit that the investigation is pending. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been escaped, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is 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, Kancheepuram, on condition that 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 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 everyday at 10.30 a.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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above direction, this Criminal Original Petition is ordered.

-sd/-
31/08/2020

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.II,
KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MAGARAL POLICE STATION,
KANCHEEPURAM.

+1CC to M/S.C.SRINIVASAN Advocate on payment of
necessary charges SR NO.6067

CRL OP.13308/2020

Date :31/08/2020

MK:10/09/2020