

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13049 of 2020

1.S.Jayakumar

2.V.Seena @ Chandru

... Petitioners

Vs.

The State Rep.by,

The Sub Inspector of Police,

K-11, CMBT-Koyambedu Police Station,

Chennai 600 107.

Crime No.695 of 2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to grant anticipatory bail to the petitioner and order to enlarge them on bail in the event of their arrest in Crime No.695 of 2020 pending on the file of the respondent Police.

For Petitioners : Mr.N.Chinnaraj

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 alleged offences punishable under Sections 147, 148 & 364(A) of IPC, in Crime No.695 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Murugan is that the accused had abducted him and demanded return of amount of Rs.2,00,000/-, which was received by his owner as catering advance.

3. The learned counsel for the petitioners would submit that the petitioners booked a function and paid an amount of Rs.6,00,000/- towards catering services and due to Covid-19, the function was cancelled and the petitioners had asked the defacto complainant for refund of the amount and without giving

refunding, the defacto complainant gave a false complaint against the petitioners. He would further submit that the first accused has been arrested and enlarged on bail by the Principal Sessions Judge, Chennai, vide Crl.M.P.No.8414 of 2020 on 25.08.2020. Hence, he seeks anticipatory bail to the second accused.

4.The learned Additional Public Prosecutor would submit that due to dispute of non repayment of advance amount paid by the petitioners, they kidnapped the defacto complainant and demanded an amount of Rs.2,00,000/-. He would further submit that there are no previous cases pending against them.

5.In view of the fact that the first petitioner has already been arrested and granted bail by the Principal Sessions Judge, Chennai, vide Crl.M.P.No.8414 of 2020 on 25.08.2020, **this petition is dismissed as infructuous insofar as the first petitioner is concerned.**

6.Heard the learned counsel and perused the First Information Report. **This Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions:**

7. Accordingly, the **second 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 V Metropolitan Magistrate, Egmore, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required for interrogation.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

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

-sd/-
27/08/2020

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 METROPOLITAN MAGISTRATE NO.V,
EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K-11, CMBT-KOYAMBEDU POLICE STATION,
CHENNAI 600 107.

CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges

CRL OP.13049/2020

Date :27/08/2020

MK:14/09/2020