

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13556 of 2020

Dinesh Kumar

.. Petitioner

Vs.

The State by
The Inspector of Police
Paravakottai Police Station
Thiruvarur District.
Crime No.858 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.858 of 2020 on the file of the The Inspector of Police, Paravakottai Police Station, Thiruvarur District.

For Petitioner : Mr.Swami Subramanian

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 under Sections 363, 365 of IPC @ 363, 365, 294(b) and 324 of IPC, in Crime No.858 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Sri Sakthi is that his friend one Selvakumar had eloped with one Gnanasoundari, who is the daughter of one Sasikumar and thereby the relatives of Gnanasoundari were antagonized against him and on 20.08.2020, under the guise of calling the victim for repairing the motor, the accused had abducted the victim Selvakumar and assaulted him.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happens to be the relatives of one Sasikumar. He would further submit that the daughter of Sasikumar had eloped with one Selvakumar and the said Sasikumar

family members were antagonized against the said Selvakumar and thereby, a false complaint has been given. He would further submit that the alleged victim has been secured on the same day and the arrested accused have been granted bail and there is no previous case pending against the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused abducted one Selvakumar who had married Gnanasoundari, who is the daughter of one Sasikumar and thereby, they have also assaulted him. He would further submit that the arrested accused have been enlarged on bail and the victim has been secured on the same day.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District**, on condition that the 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

[e] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/09/2020

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,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PARAVAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of
necessary charges

CRL OP.13556/2020

Date :03/09/2020

MK:16/09/2020