

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14349 of 2020

1. K.Sivasubramanian
S/o. Kanagabubathy

2. M.Sheik Bareeth
S/o. Mohammed Ibrahim

... Petitioners

vs.

State rep. By
The Inspector of Police,
T1, Ambatuur Police Station,
Tamil Nadu - 53.
Crime No.112/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest in Crime No.112 of 2020 on the file of the respondent police.

For Petitioners : Mr.E.Anbarasan
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 publishable under Sections 363 of IPC @ 147, 341, 323, 506 (i) IPC @ 147, 341, 323, 364 (A), 365, 506 (i) of IPC in Crime No.112 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners kidnapped the defacto complainant's husband. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the husband of the

defacto complainant had received money from various persons under the guise of getting job. The petitioners, who are the victims have quarrelled with the defacto complainant's husband and therefore, a false case has been foisted against them. He further submitted that A1 to A3 were arrested and enlarged on bail in CrI.O.P.No.5219 of 2020 dated 10.03.2020 and that the petitioners being friends of the other accused, have been falsely implicated. He would submit that the petitioners have completed Engineering Course and they have to attend the arrears examinations. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners had kidnapped the husband of the defacto complainant, therefore, she has given a complaint before the Ambatuur Police Station. He would further submit that the victim was abducted and later, handed over to Muthialpet Police Station, Pondicherry. He would further submit that there is no previous case as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that A1 to A3 were arrested and enlarged on bail and that there is no previous case as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif cum Judicial Magistrate, Ambattur, on condition that the petitioners shall execute separate 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 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 petitioners shall report before the respondent police every Saturday and Sunday 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 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].

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

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

-sd/-
15/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AMBATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T1, AMBATTUR POLICE STATION,
TAMILNADU-53.

+1 CC to M/S E.ANBARASAN Advocate on payment of necessary charges sr no.6274

CRL OP.14349/2020

Date :15/09/2020

RD 22/09/2020