

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14681 of 2020

S.Murugadass

... Petitioner/A2

Vs.

The State represented by, ... Respondent
The Sub-Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
Crime No.1420 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.1420 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Chanabanu

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(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 Section 366(A) of IPC, in Crime No.1420 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Bharathi is that, his minor daughter who is aged about 17 years, has completed her 12th standard. On 29.08.2020, when she was at home at 1.00 a.m., A1 with the help of this petitioner had kidnapped her in their two wheeler.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a friend of one Karna/A1. He would submit that the petitioner understands that the minor daughter of the defacto

complainant had love affair with the said Karna/ A1 and they have eloped from their house but the petitioner has been unnecessarily roped in this case and also harassed by the respondent police.

4. The learned Additional Public Prosecutor would vehemently oppose stating that one Karna / A1 had kidnapped the minor daughter of the defacto complainant and the petitioner had assisted him to kidnap the victim and had abundantly contributed to the commission of the offence. He would also submit that the victim girl has yet to be secured.

5. Taking into consideration the facts and submissions of the learned Counsel, 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 his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Ulundurpet**, on condition that the petitioner 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 daily 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
21/09/2020

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,
ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
THIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S T.GNANABANU Advocate on payment of necessary charges SR.NO.6390

CRL OP.14681/2020

Date :21/09/2020

सत्यमेव जयते

TA-01/10/2020

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