

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.15371 of 2020

1. Naveen Kumar
S/o. Kumar

2. Kirubananth
S/o. Madhu

3. Ravichandran
S/o. Palanisamy

4. Balu
S/o. Palanisamy

5. Raja
S/o. Palanisamy

6. Gopi
S/o. Boopathi

7. Yuvaraj
S/o. Manickkam

8. Lakshmanakumar
S/o. Subramani



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9. Manickkam
S/o. Dharmalingam

10. Mohan
S/o. Venkatachalam

11. Ramakrishnan
S/o. Picha Gounder

12. Sadhasivam
S/o. Prabakaran

13. Jayasurya
S/o. Raja

14. Manivannan
S/o. Sekar

... Petitioners

The State represented by
The Inspector of police,
Karipatti Police Station,
Salem District.

Crime No.467 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of arrest in Crime
No.467 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Nalliyapan
For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This 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 147, 324, 363 & 506 (i) of IPC in Crime No.467 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., Vijayakumari is that her brother one Manikandan had eloped with one Tejasree D/o. Ravichandran. Ravichandran/third petitioner along with other accused came to the house of the defacto complainant to find out his daughter and she was not there in house of the defacto complainant. Hence, the petitioners threatened the defacto complainant and attacked her husband. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the defacto complainant's brother had abducted the daughter of the third petitioner. Other petitioners who are relatives, have gone to the house of the defacto complainant to find out the daughter of the third petitioner. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the third petitioner is the father of one Tejasree and she eloped with one Manikandan. The petitioners gone to the house of the defacto complainant and they have abducted the defacto complainant's husband and also threatened him and later he was released. He would further submit that there are no previous cases as against the petitioners. However, he opposed to grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, this Court is

inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the copy of this order is made ready, the petitioners shall execute a 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 District Munsif cum Judicial Magistrate, Valapady, 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 day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am., 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 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 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.

06.10.2020

dh
To

1. The District Munsif cum Judicial Magistrate,
Valapady.
2. The Inspector of police,
Karipatti Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court, Chennai.

A.D.JAGADISH CHANDIRA, J

dh



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