

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.15297 of 2020

1. P.Kathirvel
S/o. Perumal

2. R.Perumal
S/o. Ramasamy

3. M.Kalaiselvi
W/o. Perumal

... Petitioners

Vs.

The State represented by
The Inspector of police,
Komarapalayam Police Station,
Namakkal District.

Crime No.1242 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.1242 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Vijayaragavan

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 Section 366 of IPC in Crime No.1242 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., Dhanusri is that the petitioner had one side love with her and thereafter, the accused persons took her to temple and demanded to marry the first petitioner. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners and the defacto complainant are close relatives and that

the defacto complainant was ready and willing to marry the first petitioner. However, it was objected by the father of the defacto complainant and thereby on instigation of the father of the defacto complainant, a false case has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are relatives of the defacto complainant and they have kidnapped and compelled her to marry the first petitioner. However, no marriage has taken place. Hence, 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 petitioner 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 Judicial Magistrate, Komarapalayam 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 first petitioner 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. Second and third petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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

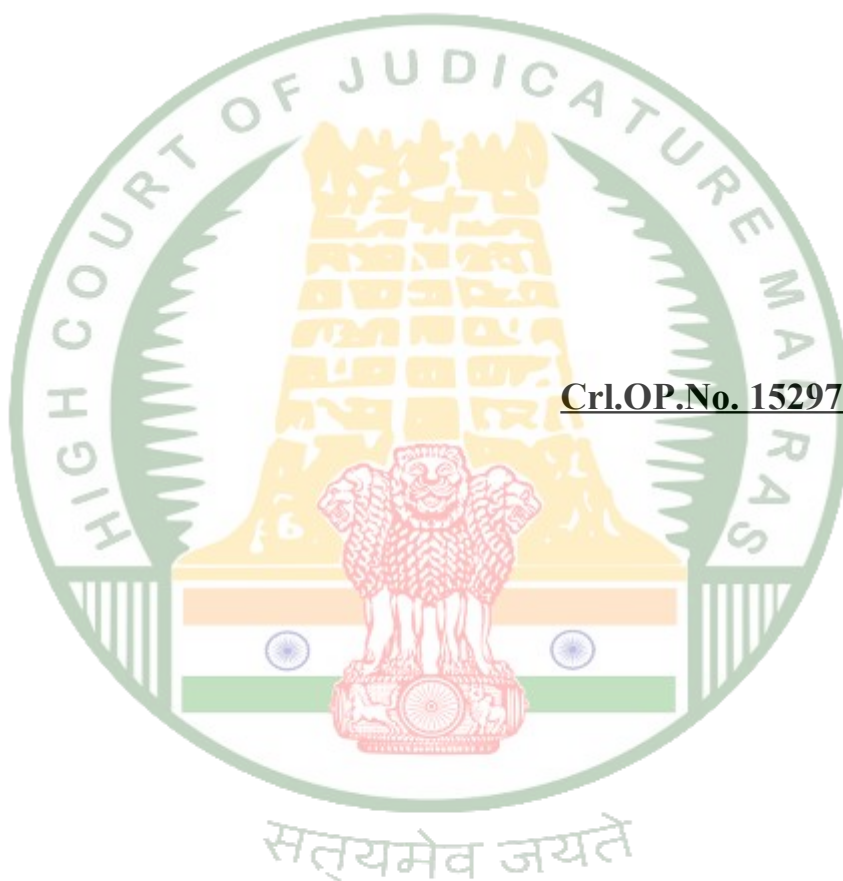
To

1. The Judicial Magistrate,
Komarapalayam.
2. The Inspector of police,
Komarapalayam Police Station,
Namakkal District.
3. The Public Prosecutor,
Madras High Court, Chennai.

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A.D.JAGADISH CHANDIRA, J

dh



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