



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6097 of 2020

M.Mariappan,

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No. 289 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Anand,
Advocate.

For Respondent : Mr.A.Natarajan
State Public Prosecutor
Assisted by
Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.289 of 2020 on the file of the Inspector of Police, Eral Police Station, Thoothukudi District.

ORDER : The Court made the following order :-

The petitioner is figuring as the first accused in Crime No.289 of 2020, on the file of the respondent police for the offences punishable under Sections 363, 294(b) and 506(i) of I.P.C.

2.The case of the prosecution is that, there is a civil dispute between two brothers in respect of various businesses. The petitioner who was working as a Manager under the younger brother,



said to have abducted the de-facto complainant, who is working as a Manager under the elder brother, and said to have obtained signature in the blank papers and thereafter, this petitioner has dropped the de-facto complainant in a remote place. Hence, the criminal case has been registered.

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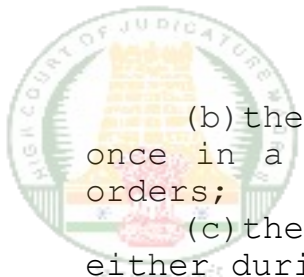
3.The learned counsel appearing for the petitioner submitted that there is a civil dispute between two brothers and this petitioner is working as a Manager under the younger brother. In order to wreck vengeance, the present complaint has been foisted against him. He further submitted that no such occurrence has been taken place. According to the learned counsel, except the offence under Section 506(i) of IPC, all the offences are non-bailable. It is alleged that the petitioner only said to have threatened by the de-facto complainant.

4.Per contra, Mr.A.Natarajan, learned State Public Prosecutor appearing for the State submitted that due to civil dispute between two brothers and the petitioner, who is working as a Manager under the younger brother, with ulterior motive, the petitioner abducted the de-facto complainant and threatened him with dire consequence. He would further submit that some of the documents and the signed blank papers of the de-facto complainant are yet to be received. He would further submit that in this case, investigation is pending.

6.On perusal of the First Information Report and other materials, it is seen that except the offence under Section 506(i) of IPC, the offences are non-bailable offence in nature. It also reveals that the petitioner on his own, released the de-facto complainant in a remote place and said to have threatened the de-facto complainant.

7.Considering the above facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 once in a week i.e., on every Monday at 10.30 a.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]**; and;

(f)If the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/07/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ERAI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6097 of 2020

Date :14/07/2020

sjj

<https://hcs.courts.gov.in/hcservices/> (20.07.2020) 3P 5C