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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8323 of 2020

Ayyasamy

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
All Woman Police Station,
Nagercoil.
(Crime No.26/2020)

... Respondent/Complainant

For Petitioner : M/s.Niranjan S.Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

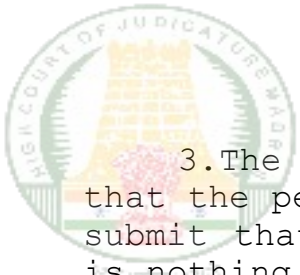
PRAYER :-

For Anticipatory Bail in Crime No.26 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as Accused No.3 in Crime No.26 of 2020, on the file of the respondent police, for the offence punishable under Sections 376, 417, 420, 294(b), 323, 506(ii) of IPC and Section 67 of Information Technology Act 2000, seeks anticipatory bail.

2.The case of the prosecution is that A-1 in this case, said to have a illicit intimacy with the de-facto complainant and also received a sum of Rs.5,00,000/- and 35 sovereigns of gold and also promised to marry her. Subsequently, A-1 refused to keep up the promise and also failed to repay the amount. When the de-facto complainant demanded money, the petitioner and other accused are said to have intimidated the de-facto complainant. Hence, the case has been registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner is the business partner of A-1. He would further submit that he is innocent and except the business activity, there is nothing to do with the said offence. He would further submit that the main allegation is only against A-1 and there is no overt act attributed against this petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the main allegation is only against A-1, said to have illicit intimacy with the de-facto complainant and also received a sum of Rs.5,00,000/- and 35 sovereigns of gold and A-1 was also arrested. Sofar as this petitioner is concerned, he is a business partner of A-1, said to have threatened the de-facto complainant and there is no other allegation against him.

5.Considering the facts and circumstances of the case and also considering the fact that the main allegation is only against A-1 and there is no other allegation against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil, 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 as and when required for interrogation;

(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.

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17/08/2020

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/ /2020
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 No.II, NAGERCOIL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
NAGERCOIL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8323 of 2020
Date :17/08/2020

SJI
TE/AKM/SAR-III : 19/08/2020 : 3P/5C