



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9198 of 2020

1. Ganesan
2. Manikanda Prabhu

... Petitioners/
Rank Not known

Vs

The State rep. by
The Inspector of Police,
B3, Theppalakulam Police Station,
Madurai City.
(Crime No.Not Known of 2020).

... Respondent/Complainant

For Petitioners: Mr.C.Gangai Amaran,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No. Not known of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.Rank Not Known, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 363 and 506(ii) of IPC, in Crime No.Not Known of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the father-in-law and the second petitioner is the brother-in-law of the defacto complainant. The allegation against the petitioners is that the defacto complainant got married to the daughter of the first petitioner and they were blessed with one male child. Thereafter, the daughter of the first petitioner died in the year 2019 and the child was under custody of the defacto complainant. The petitioners said to have trespassed into the house of the defacto complainant and taken the child. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are grandfather and uncle of the child. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners said to have trespassed into the house of the defacto complainant and forcibly taken the child. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the fact the petitioners are grandfather and uncle of the child and they said to have taken the child from the defacto complainant and there was a wordy quarrel and there is no serious allegation against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 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 as and when required for interrogation.

(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/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



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 accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/09/2020

/ TRUE COPY /

/ /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.I,
MADURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
B3, THEPPALAKULAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9198 of 2020
Date :01/09/2020

VSG
SRS/ JC/ SAR-I/ 08.09.2020/ 3P/5C