



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9552 of 2020

Nanjil B E Jeyakumar @ Jeyakumar ... Petitioners/Accused No.A8

Vs

State rep.by
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No. 217 of 2019). ... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.217 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A8, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 147, 365, 342 and 506(ii) of IPC, in Crime No.217 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 are known to the victim by name Eric. Due to business loss, the victim settled at Nagercoil. Earlier there was a dispute between A1 and the victim, due to which, the victim has given a complaint against A1. Based on that, Kerala police arrested A1. In order to wreck vengeance, A1 along with other accused said to have decided to abduct the victim for ransom and they came to Nagercoil and stayed at the petitioner's house. Thereafter, A1 and A2 abducted the victim and taken him to the petitioner's house and stayed for some time. Based on the complaint given by the defacto complainant, the crime has been



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has only provided house for other accused for a day and he has been falsely implicated in this case. He further submitted that the occurrence said to have taken place in the year 2019 and all other accused have already been arrested and released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the petitioner submitted that the petitioner and other accused said to have abducted the victim and demanded ransom. He further submitted that the co-accused have already been arrested and released on bail.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that due to wreck vengeance, other accused said to have abducted the victim and demanded ransom. Considering the above circumstances, all other accused have already been arrested and released on bail and insofar as this petitioner is concerned, he has provided accommodation to the other accused, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate Court No.I, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/09/2020

/ 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,
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMART AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9552 of 2020
Date :10/09/2020

vsg
JM/AKM/SAR II/17.09.2020/3P/5C