



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

Date : 11/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9668 of 2020

C.Jeyaram

... Petitioner/1st Accused

Vs

The State rep. by
The Inspector of Police,
S.S.Colony Police Station, Madurai,
Madurai District.
Crime No.1801/2020.

... Respondent/Complainant

For Petitioner : Mr.B.Rajesh Saravanan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1801/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Totally there are four accused in this case. The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 458, 342, 323 and 364 A of IPC, in Crime No.1801 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim is the husband of the defacto complainant. All the accused persons said to have abducted the victim and demanded ransom. Based on the complaint given by the defacto complainant, the present crime has been registered.

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

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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 earlier the victim has run a chit fund company at Dindigul area and collected amount from various persons and the petitioner has also deposited a sum of Rs.3,22,500/-. Thereafter, the victim has refused to return the money and settled at Nilakottai. Since the petitioner and other persons demanded money from the victim, the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal 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 victim was secured by the respondent Police.

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 earlier the victim has run a finance company and collected amount from the petitioner and others, thereafter, the victim refused to return the money, due to that motive, the occurrence said to have taken place. Considering the above circumstances and it is a money dispute and the victim was secured, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

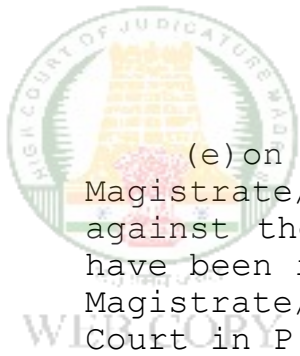
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.V, Madurai, on condition that the petitioner shall execute a bond for a sum 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/-
11/09/2020

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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.V,
MADURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
S.S. COLONY POLICE STATION,
MADURAI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9668 of 2020
Date :11/09/2020

VSG
SRS/ PN/ SAR-IV/ 16.09.2020/ 3P/5C

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