



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

Date : 14/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9707 of 2020

1. Abdul Azeez
2. Sithik

... Petitioners/Accused Nos.4&5

Vs

The State rep. by
The Inspector of Police,
K.K.Nagar Police Station,
Trichy City.
(Crime No.747 of 2020)

... Respondent/Complainant

For Petitioners: Mr.S.Sathyachidambaram,
Advocate.

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

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

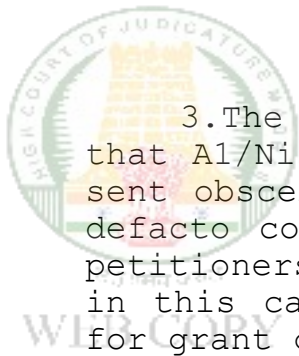
PRAYER :-

For an Anticipatory Bail in Crime No.747 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed A4 & A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 342, 294(b), 323, 364(A), 395, 397 of IPC r/w Section 67 of the Information Technology Act, in Crime No.747 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one Nisha/A1 became close friends through Face book and on 04.09.2020 Nisha/A1 called him to Trichy and at the time, all the accused came in a Auto and attacked the defacto complainant and took away and demanded Rs.1 lakh and also taken photographs and threatened him. Hence, a complaint.



3.The learned counsel appearing for the petitioners submitted that A1/Nisha got recently engaged with A2, the defacto complainant sent obscene message to A1. Hence, there was a quarrel between the defacto complainant and A1 and A2. He further submitted that the petitioners are the friends of A2 and they were falsely implicated in this case and the victim has been secured and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that all the accused with an intention of demanding money, abducted the defacto complainant and also demanded money. He further submitted that the victim has been secured.

5.Considering the facts and circumstances of the case and also considering the rival submission made on either side and on perusal of records it is seen that the petitioners are friends of A2 and now A1 got engaged with A2, defacto complainant said to have sent obscene message to A1 and there was a quarrel between the parties the occurrence took place and A4 and A5 were the friends of A2 and the victim has also been secured, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 learned Judicial Magistrate No.II, Trichy, Trichy District, 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



have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/09/2020

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

ORDER
IN
CRL OP(MD) No.9707 of 2020
Date :14/09/2020

VSD
SRS/ VR/ SAR-III/ 17.09.2020/ 3P/5C