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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.12342 of 2020

Nataraj

... Petitioner/Accused No.4

Vs

The State Rep.by
The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.
Crime No.454 of 2020.

... Respondent/Complainant

For Petitioner : M/s.C.Ramaraj,
Advocate.

For Respondent : Mrs.M. Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.454 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A-4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 342 and 506(i) of I.P.C., in Crime No.454 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter, namely; Yazhini was in love affair with one Kuppusamy @ Vignesh and on 07.10.2020 she eloped with him and they were secured by the Police Officials of Oddanchatram Police Station and the same was informed to the defacto complainant. The defacto complainant went to Oddanchatram police station and secured her daughter. Thereafter, the petitioner along with other accused persons made a phone call to the defacto complainant and threatened him and his family members and also demanded a sum of Rs.5 Lakhs. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He further submitted that, due to oblique motive, they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioners said to have made life threat to the defacto complainant.

6. Considering the fact and circumstances of the case and considering the gravity of offence, this Court is 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aravakurichi, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum 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 appear 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/-

04/11/2020

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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.

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- TO
1. THE JUDICIAL MAGISTRATE, ARAVAKURICHI.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 3. THE INSPECTOR OF POLICE,
CHINNADHARAPURAM POLICE STATION,
KARUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12342 of 2020
Date : 04/11/2020

KSA
AE/SMA/SAR-III (11.11.2020) 3P 5C