



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

Date : 15/12/2020

PRESENT

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

CRL OP(MD) . No.14779 of 2020

Irudhayaraj

... Petitioner/Accused No.4

Vs

State rep.by,
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
Crime No. 178 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

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

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

PRAYER :-

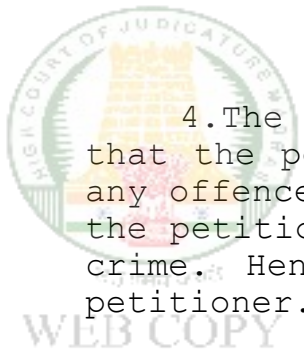
For Anticipatory Bail in Crime No.178 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the offences punishable under section 381 of IPC, in Crime No.178 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is the driver of the defacto complainant and A1 and the petitioner said to have abducted by some unknown persons along with car and in turn, A1 has informed the defacto complainant that he was abducted and threatened to murder. Thereafter, the defacto complainant has informed to the respondent Police and traced A1 and the petitioner. At that time, all the accused persons including the petitioner ran away from the car and car has also seized. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

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 is a friend of A1 and he is no way connected to the crime. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that A1 is the driver of the defacto complainant and A1 and the petitioner said to have abducted by some unknown persons along with car and in turn, A1 has informed the defacto complainant that he was abducted and threatened to murder. Thereafter, the defacto complainant has informed to the respondent Police and traced A1 and the petitioner. At that time, all the accused persons including the petitioner ran away from the car and car has also seized. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the petitioner is friend of A1 and there is no other serious allegation against him and the car was also seized, 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 Judicial Magistrate Court, Aruppukottai, Virudhunagar District, on condition that the petitioner shall execute 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 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 once in a week (ie.,) on Every Monday at 10.30 a.m until further orders.

(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 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/-
15/12/2020

/ 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, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT
- 2.DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.14779 of 2020
Date :15/12/2020

VSG
PK/SMA/SAR-III/18.12.2020 : 3P/5C