



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

Date : 22/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD).No.15210 of 2020

WEB COPY

1.Arvind Kumar

2.Arun Kumar

3.Rajalingam Vairamoorthy

...Petitioners/Accused Nos.1,2 & 4

Vs

The State represented through
The Inspector of Police,
Kulithali Police Station,
Karur District.
(Cr.No.911 of 2020)

... Respondent/Complainant

For Petitioners: Mr.Alagumani.R,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.911 of 2020 on the file of respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1, A2 & A4, apprehending arrest at the hands of the respondent police for the offence punishable under sections 341 and 366 IPC, in Crime No.911 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant aged about 22 years was kidnapped by the accused persons and compelled her to marry the first accused. When they were proceeded to get marry with the defacto complainant, on seeing police, they stopped the Car and dropped the defacto complainant.

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

4.The learned counsel appearing for the petitioners would submit that the first accused fell in love with the defacto complainant and also produced the video before this Court. While the defacto complainant eloped with the first petitioner in the Car, on seeing the police, she was stopped and lodged a false complaint as against the petitioner. Even, according to the defacto complainant



they brought the defacto complainant in the Car and no other allegation is made as against the petitioner. Insofar as the 2nd and 3rd petitioners are concerned, they arrayed as A2 and A4. They are friends of the first accused and they have nothing to do with the offence as alleged by the prosecution.

5.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the defacto complainant was kidnapped by all the accused and they compelled her to marry the first accused. On seeing the police patrol, they dropped the defacto complainant on the road and flew away. Now A3 was arrested and remanded to judicial custody.

6.It is seen that there are totally four accused, in which the petitioners are arrayed as A1, A2 and A4. Now A3 was arrested and remanded to judicial custody and according to the case of the prosecution and his friends namely other accused persons kidnapped the defacto complainant aged about 22 years and compelled her to marry with the first accused. According to the petitioners, the first accused fell in love with the defacto complainant and also took photographs and produced before this Court. When the defacto complainant eloped with the first accused with the help of other accused persons, they dropped her on the road, on seeing the police patrol and she lodged a complaint as against them.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

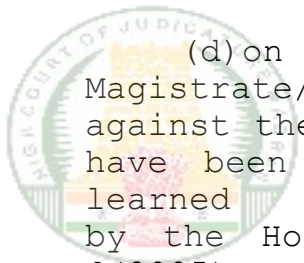
8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood related 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 daily at 10.00 a.m. for a period of Four Weeks and thereafter 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;



(d) 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/-
22.12.2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

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, Karur.

2.-Do- Through The Chief Judicial Magistrate,
Karur District.

3.The Inspector of Police,
Kulithali Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.ALAGUMANI, Advocate (SR-8480[I] dated 23/12/2020)

ORDER
IN
CRL OP(MD) No.15210 of 2020

Date : 22/12/2020