

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1464 of 2021

Kuppusamy

..... Petitioner

Vs.

The State represented by
Inspector of Police,
Rishivandiam Police Station
Villupuram District.
(Crime No.146 of 2019)..

..... Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.146 of 2019 on the file of the respondent police.

For Petitioner : Mr.M. Vinoth

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Section 365 of I.P.C, in Crime No.146 of 2019, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that totally there are four accused in this case and the petitioner herein is arrayed as A4. It is alleged that due to previous enmity the petitioner along with other accused assaulted defacto complainant's son and abducted him. Hence the complaint.

3.The learned counsel for the petitioner would submit the petitioner is a innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A1 along with other accused have abducted the defacto complainant's son and so far this petitioner is concerned, he is only present in the scene of occurrence. He would further submit that the victim was rescued.

5.Considering the facts and circumstances of the case and also the fact that A1 is the main accused and the victim was also rescued, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Thirukovilur, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 daily 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/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 55601

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

-sd/-
03/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT,
THIRUKOVILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RISHIVANDIAM POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S. M.VINOTH Advocate on payment of necessary charges SR NO.1138

CRL OP.1464/2021

Date : 03/02/2021

MK:11/02/2021

WEB COPY