

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2665 of 2021

JAMESKUMAR @ KUCHIKUMAR

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
KANGAYAM POLICE STATION,
TIRUPUR DISTRICT.
CRIME NO. 88 OF 2021.

For Petitioner : M/S.R.MD.NASRULLA Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 363 of I.P.A and subsequently altered into 147, 148, 364(A) of I.P.C in Crime No.88 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 4 accused in this case and the petitioner is A4. The case of the prosecution is that the petitioner is a wholesaler of dry fish and A1 and A4 are vendors. It is alleged that the defacto complainant purchased products on credit basis from A1 and failed to return the due amount and A1 had purchased the products from the petitioner and failed to return the amount. In order to settle the dues, A1 along with other accused abducted one of the staff working in the defacto complainant's company. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner had no transaction with the defacto complainant and the petitioner has money dispute with A1 only. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional public prosecutor would submit that due to a money dispute the petitioner along with other accused, the petitioner abducted one of the staff working in defacto complainant. He would further submit that the victim was rescued. However, he opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also of the fact that there was a money dispute only between the A1 and the defacto complainant and the petitioner has no role in the alleged offence and the victim also rescued, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail in their 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, Kankeyam, Tirupur 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 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].

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

With the above directions this Criminal Original petition is ordered.

-sd/-

17/03/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
KANGEYAM, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

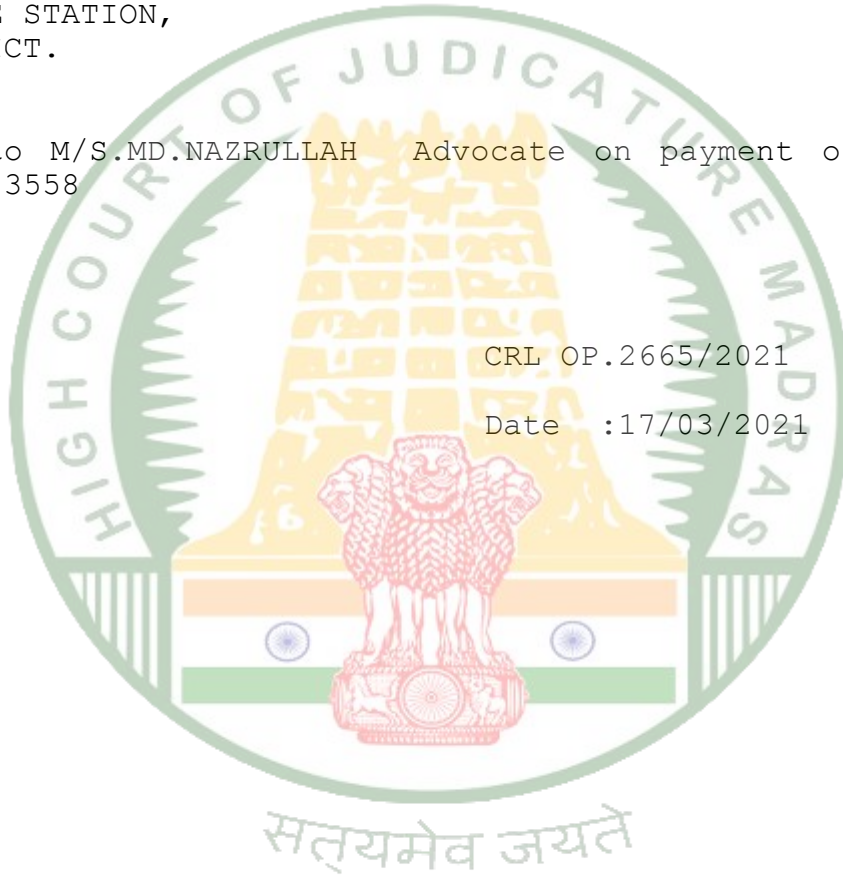
4 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.MD.NAZRULLAH Advocate on payment of necessary
charges SR NO. 3558

CRL OP.2665/2021

Date :17/03/2021

MN-31/03/2021



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