

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4423 of 2021

1 VENKATESH KUMAR
2 CHANDRAMOHAN
3 SIVARAJA
4 SRIDHARAN
5 VENKATESAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KAVUNDAPADI POLICE STATION,
KAVANDAPADI, ERODE DISTRICT
CR.NO.63 OF 2021

[RESPONDENT]

For Petitioner : M/S.M.LAKSHMANASAMY Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners are A1, A4, A5, A6 and A7. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 323, 324, 342, 365 and 506(ii) of IPC, in Crime No.63 of 2021 on the file of the respondent police, the petitioners seeks anticipatory bail.

2. The case of the prosecution is that totally there are nine accused. The petitioners are A1, A4, A5, A6 and A7. The allegation against the petitioners are that they abducted the husband of the defacto complainant for non payment of money borrowed from the petitioners. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the husband of the defacto complainant was conducting online share trading and cheated all the petitioners. They have given a complaint against the husband of the defacto complainant and the same is pending investigation. The petitioners have not committed any offence as alleged by the prosecution. Already four co-accused were arrested and released on bail. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the husband of the defacto complainant has cheated all the petitioners and hence the petitioners abducted him. The complaint given by the petitioners against the husband of the defacto complainant are under investigation. Already four co-accused were arrested and granted bail by the trial Court.

5. Considering the facts and circumstances of the case, and the fact that co-accused were arrested and released on bail and the husband of the defacto complainant was secured, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

(a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned Judicial Magistrate No.II, Gobichettipalaiyam**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioners shall appear before the respondent police as and when required.

(d) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioners shall not abscond either during investigation or trial.

(f) 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]**.

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/03/2021

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 NO.II,
GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAVUNDAPADI POLICE STATION,
KAVANDAPADI, ERODE DISTRICT

+1CC to M/S.M.LAKSHMANASAMY Advocate on payment of necessary charges SR NO.3030

CRL OP.4423/2021

Date :08/03/2021

MK:16/03/2021

WEB COPY