

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5267 of 2021

A.Madhiyazhagan

... Petitioner

-Vs-

State Represented by
The Inspector of Police,
Moranam Police Station,
Thiruvannamalai District.
(Crime No. 231 of 2019)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.231 of 2019 on the file of Inspector of Police, Moranam Police Station, Thiruvannamalai District.

For Petitioner : Mr.M.Udhayasankar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 363 and 506(i) of IPC, in Crime No.231 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant, as a result of which, the petitioner along with other accused person had kidnapped the brother of the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused had already been arrested and thereafter, he was released on bail. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a civil dispute between the petitioner and the defacto complainant, as a result of which, the petitioner along with other accused person had kidnapped the brother of the defacto complainant. He would further submit that there is no previous case pending as against the petitioner. He would further submit that co-accused had already been arrested and thereafter he was released on bail and there is no previous case pending as against the petitioner.

5. Considering the facts and circumstances of the case and the co-accused was released on bail and it is in a civil dispute, the occurrence had taken place, 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, Cheyyar, 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 229A IPC.

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

-sd/-

16/03/2021

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,
CHEYYAR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MORANAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.M.UDHAYASANKAR
charges SR.No.3434

Advocate on payment of necessary

CRL OP.5267/2021

Date :16/03/2021

cs 30/03/2021